



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9960 of 2019

Muthupandi ... Petitioner/Sole Accused

Vs

State through
The Inspector of Police,
All Women Police Station,
Srivilliputhur, Virudhunagar District.
Crime No. 05 of 2019.

... Respondent/Complainant

For Petitioner : M/s.M.Jothi Basu,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 5 of 2019 on the file of the Respondent police

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ sole accused seeking bail for the alleged offence under Sections 366(A) of IPC, Section 5(1)r/w.6 of Protection of Children from Sexual Offences Act, 2012

2. Heard both sides

3. The case of the prosecution is that on 12.06.2019 the victim girl was found missing during night hours. The mother of the victim lodged a complaint before the respondent police stating that the petitioner on making a false promise that he would marry the victim girl had sexual intercourse with her.

4. The learned counsel for the petitioner would submit that the above case was registered based on the complaint given by the mother of the defacto complainant dated 15.06.2019. He further



submitted that in the said complaint, she has stated that the petitioner herein has committed the offence one month prior to lodging of the complaint. He further submitted that the date of birth of the petitioner is 11.06.2001 and if the allegations made in the complaint is taken as true, on the date of the alleged occurrence, the petitioner has not completed 18 years and on the relevant time he was only Juvenile. He has also produced a xerox copy of the birth certificate of the petitioner.

5. Considering the said submissions, this Court by the order dated 16.07.2019 directed the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur to conduct enquiry and fix the age of the petitioner on the date of alleged occurrence and submit a report before this Court.

6. In pursuance to the said direction the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur has submitted a report dated 24.07.2019 stating that she has conducted an enquiry with regard to the age of the petitioner and she fixed the age of the petitioner on the alleged date of occurrence as 17 years and 11 months. So it appears that on the date of alleged occurrence the petitioner was only juvenile and hence the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur is directed to send the case records to the Juvenile Justice Board of the concerned District.

7. The learned Additional Public Prosecutor would submit that the petitioner made a false promise of marrying the victim girl and committed sexual intercourse with her. Hence he opposed to grant bail to the petitioner.

8. Taking into consideration of the fact that on the date of alleged occurrence, the petitioner was juvenile and also the fact that the petitioner is in custody from 15.06.2019, this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur

[b] during the bail period the petitioner should be under the supervision of the Probation Officer.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
26/07/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SESSIONS JUDGE,
MAHALLIR NEETHI MANDRAM,
FAST TRACK MAHILA COURT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
3. THE PRESIDING OFFICER,
JUVENILE JUSTICE BOARD,
VIRUDHUNAGAR DISTRICT.
4. THE PROBATION OFFICER,
VIRUDHUNAGAR DISTRICT.
5. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
6. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.M LAW OFFICE Advocate SR.No.12328

ORDER
IN
CRL OP(MD) No.9960 of 2019
Date :26/07/2019

aav

TK/PN/SAR.3/26.07.2019/3P/8C