



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10603 of 2019

Anand Raj

... Petitioner/Accused

Vs

The Inspector of Police,
Thiruvaiyaru Police Station
Thanjavur District.
Crime No.78 of 2019.

... Respondent/Complainant

For Petitioner : M/s.K.P.Narayanakumar, Advocate.

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

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

PRAYER :-

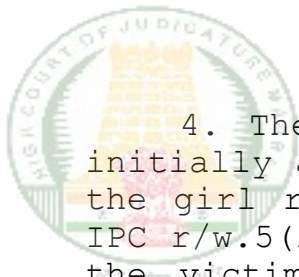
For Bail in Crime No. 78 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused seeking bail for the alleged offence under Section 361 IPC r/w.5(1)(n) and 6 of POCSO Act.

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner herein has not committed any offence as alleged by the prosecution. He further submitted that due to love affair the victim girl left the house voluntarily and thereafter the mother of the victim girl lodged a complaint and based on the said complaint the case was originally registered as Girl Missing and subsequently the girl returned to the house and thereafter the case was @ 361 IPC r/w.5(1)(n) and 6 of POCSO Act. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 28.05.2019 and he is in custody for the past 63 days. He further submitted that by this time a major portion of the investigation might have been completed. Therefore he prayed to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that initially a case was registered as Girl Missing and subsequently the girl returned to the house and thereafter the case was @ 361 IPC r/w.5(1)(n) and 6 of POCSO Act. He further submitted that both the victim and the defacto complainant loved each other and the petitioner herein gave false promise that he will marry the defacto complainant and had sexual intercourse with her. He further submitted that investigation is almost completed and charge sheet is likely to be filed. Hence he strongly opposed to grant bail to the petitioner.

5. Taking into consideration all the allegations made against the petitioner and also taking into consideration the fact that in the statement recorded under 164 Cr.P.C the victim girl has not stated anything against the petitioner herein and she has not stated that the petitioner has committed the offence and also the fact that the petitioner is in custody for the past 63 days and also taking into consideration that investigation is almost completed and charge sheet is likely to be filed, 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) Thanjavur.

[b] the petitioner shall report before the Respondent Police, daily at 10.30A.M for a period of One Month and thereafter, as and when required for the interrogation.

[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.

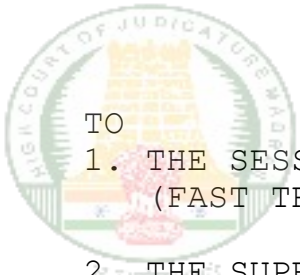
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
30/07/2019

/ TRUE COPY /

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



TO

1. THE SESSIONS JUDGE, MAHALIR NEETHIMANDRAM,
(FAST TRACK MAHILA COURT), THANJAVUR.

2. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

3. THE INSPECTOR OF POLICE,
THIRUVAIYARU POLICE STATION, THANJAVUR DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.P.NARAYANAKUMAR Advocate SR.No.12550

ORDER

IN

CRL OP (MD) No.10603 of 2019

Date : 30/07/2019

MS/PN/SAR-4/30.07.2019/3P.6C