



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11145 of 2019

Deva ... Petitioner/Accused No.1

-Vs-

State Rep.by
The Inspector of Police,
All Women Police Station, Keeranur,
Pudukkottai District
in Crime No. 6 of 2019. ... Respondent/Complainant

For Petitioner : M/s.V.Selva,
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.6 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

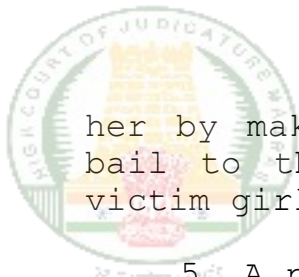
This petition has been filed by the petitioner/ accused no.1 seeking bail for the alleged offence under Sections 363 of IPC and 5(1)r/w.6,17 of POCSO Act, 2012.

2. Heard both sides

3. The learned counsel for the petitioner would submit that a false complaint has been given against the petitioner herein. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 25.06.2019 and he is in custody for the past 43 days. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the victim girl who is aged about 17 years has been deceived by the accused who has sexually abused her under the guise of marrying,

<https://hcservices.ecourts.gov.in/hcservices/>



her by making false promise. Hence he strongly opposed to grant bail to the petitioner. However he fairly conceded that now the victim girl only with the parents.

5. A perusal of the statement recorded under Section 164 Cr.P.C shows that the victim girl has not stated that the petitioner herein had any physical contact with her. On the contrary she has stated that she was loving the petitioner and since her mother has not agreed for the same, she left the home and went to the house of the petitioner and thereafter she came back to her parents house.

6. Taking into consideration of the aforesaid facts and also the fact that the petitioner is in custody for the past 43 days 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, Mahila Court, Pudukottai.

[b] the petitioner shall report before the Respondent Police, daily at 10.30 A.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/-
08/08/2019

/ TRUE COPY /

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



TO

1. THE SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI.
2. THE OFFICER INCHARGE, DISTRICT JAIL,
PUDUKKOTTAI.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KEERANUR,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.V.SELVA Advocate SR.No.13220

ORDER

IN

CRL OP(MD) No.11145 of 2019

Date :08/08/2019

MS/VR/SAR-1/08.08.2019/3P.6C