

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 30/08/2019

PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

CRL OP(MD) . No.11161 of 2019

Hariharan

... Petitioner/Sole Accused

Vs

State Rep.by  
The Inspector of Police,  
All Women Police Station,  
Thanjavur,  
Thanjavur District.  
Crime No.02 of 2019

... Respondent/Complainant

1. G.KARTHIKA

... PETITIONER/ INTERVENER/  
DEFACTO COMPLAINANT

2. G.RAVI

3. DHANAVANTHI BAI

... PETITIONERS/ INTERVENORS

For Petitioner : Mr.C.Suresh Kannan,  
Advocate.

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

For Intervener : Mr.M.Sheik Abdullah,  
Advocate

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

**PRAYER :-**

For Bail in Crime No. 02/2019 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 5(1),5(j)(ii) r/w.6 of POCSO Act, 2012

2. Heard both sides

3. The learned counsel for the petitioner would submit that both the petitioner and the victim girl loved each other and subsequently the parents of the victim girl opposed the same and fearing that the petitioner may not marry her, she lodged a false complaint before the respondent police and based on the said complaint the petitioner was arrested and remanded to judicial custody on 22.06.2019 and from that date onwards he is in custody. He further submitted that now the petitioner is willing to marry the victim girl as she attained majority and to that effect he has filed an affidavit. Therefore he prayed to grant bail to the petitioner.

4. The learned counsel for the intervenor would submit that the victim girl has now attained majority and she is willing to marry the petitioner, but only her parents are not agreeing for the said marriage. She has also filed an affidavit to that effect that she is willing to marry the petitioner. He further submitted that since the petitioner has come forward to marry the victim girl and he has also filed an affidavit, he requested to grant bail to the petitioner.

5. The learned Additional Public Prosecutor would submit that at the time of lodging the complaint, the victim girl was minor and now she attained majority and since the petitioner and the victim girl are willing to marry, bail may be granted to the petitioner.

6. Taking into consideration of the fact that now the victim girl has attained majority and also the fact that the petitioner has come forward to marry the victim girl and he has also filed an affidavit which was sworn before the Jailor, Central Prison, Trichy and filed before this Court through his counsel that he is ready to marry the victim girl and also the fact that the victim girl is also willing to marry him, 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 Mahila Court, Thanjavur.

[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/-  
30/08/2019

/ TRUE COPY /

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

TO

1. THE JUDGE,  
MAHILA COURT, THANJAVUR.
2. THE SUPERINTENDENT, CENTRAL PRISON,  
TRICHY.
3. THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
THANJAVUR, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S.C.SURESH KANNAN Advocate SR.No.14450

ORDER  
IN

CRL OP(MD) No.11161 of 2019  
Date : 30/08/2019

**MS/VR/SAR-3/30.08.2019/3P.6C**