



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

Date : 13/08/2019

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PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11350 of 2019

Pandiyarajan

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Andipatty,Theni District.
Crime No. 14 of 2019.

... Respondent/Complainant

For Petitioner : M/s.A.R.Kannappan,
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. 14 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 punishable under Sections 7, 8
and 17 of POSCO Act, and Section 506(i) of IPC in Crime No.14 of
2019.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that as per the FIR, after betrothal, the petitioner gave
sexual torture to the victim girl. He further submitted that the
petitioner has not committed any offence as alleged by the
prosecution. Since the victim girl does not like to marry the
petitioner, she gave a false complaint against the petitioner and



also his family members. He further submitted that this Court granted anticipatory bail to A2 and A3. He further submitted that the petitioner has been arrested and remanded to judicial custody on 27.06.2019 and from that date onwards, he is in custody and therefore he prayed to grant bail to the petitioner.

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4.Per contra, the learned Additional Public Prosecutor appearing for the respondent police has submitted that the victim girl is aged about 17 years and the petitioner and his family members have compelled the victim girl to marry the petitioner and hence, a betrothal was held on 09.06.2019 and thereafter, the petitioner indulged in giving sexual torture to the victim girl and hence, FIR has been registered and the petitioner was arrested on 27.06.2019. He further submitted that the victim girl reiterated the same allegations made in the statement, which was recorded under Section 164 Cr.P.C also and therefore, he strongly opposed this petition. However, the Doctor opined that the victim girl was not subjected to any sexual abuse. He also produced a copy of the doctor's certificate.

5.A perusal of the doctor's certificate would show that the victim girl was not subjected to any sexual abuse.

6.Taking into consideration of the aforesaid facts and also the fact that the petitioner is in custody from 27.06.2019 and by this time, the major portion of the investigation might have been completed, 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 Fast Track (Mahila Court), Theni.

[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.

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sd/-
13/08/2019

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

TO

1. THE JUDGE,
FAST TRACK (MAHILA COURT),
THENI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ANDIPATTY, THENI DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.A.R.KANNAPPAN Advocate SR.No.13407

ORDER
IN
CRL OP(MD) No.11350 of 2019
Date :13/08/2019

TK/PN/SAR.4/13.08.2019/3P/6C