



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11656 of 2019

Mareeswaran

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Sivakasi All Women Police Station,
Virudhunagar District.
Crime No.3/2019

... Respondent/Complainant

For Petitioner : M/s.A.Sivasubramanian,
Advocate.

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

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

PRAYER :-

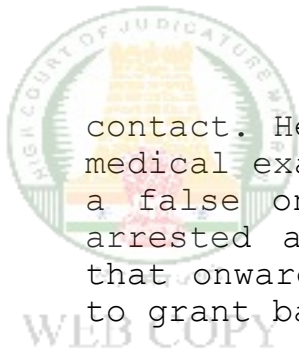
For bail in Crime No. 3 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petition has been filed by the sole Accused seeking bail for the alleged offence punishable under Sections 7, 8, 9(r), 10 of Protection of Child from Sexual Offences Act, 2012 and 342 IPC, in Crime No.3 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the even as per the FIR, already the petitioner and the victim girl fell in love. He further submitted that the petitioner is a tenant in the house of the defacto complainant and the petitioner and the defacto complainant belong to different communities and hence, the defacto complainant gave a false complaint as if the petitioner tied the hands of the victim girl with a rope and put a cloth in her mouth and tried to have physical



contact. He further submitted that the victim girl was not sent for medical examination and that itself would show that the complaint is a false one. He further submitted that the petitioner has been arrested and remanded to judicial custody on 03.07.2019 and from that onwards, the petitioner is in custody and therefore, he prayed to grant bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner and the victim girl who is aged about 16, fell in love and in pursuance of the same on 28.06.2019 at about 01.00 p.m, when the victim girl was going to the house of the petitioner, the petitioner pulled her to his house by saying that he is going to marry her and tied her hands on the back side and put a cloth in her mouth and wrongly confined her for nearly two hours and hence, he is strongly opposed this petition. However, he fairly conceded that the victim girl was not sent for medical examination.

5.In the FIR, it is stated that the petitioner has tied the hands of the victim girl with a rope and also put a cloth in her mouth. In the statement which was recorded under Section 164 Cr.P.C also, the victim girl has stated that the petitioner has tied her hands with a rope and also put a cloth in her mouth. But, the victim girl was not sent for medical examination. If the victim girl was sent for medical examination, the Doctor would have noticed whether any injuries found in her hands and also in her mouth. But, the respondent police has not produced the victim girl to the medical examination.

6.Taking into consideration of the aforesaid facts and also the submission made by the learned counsel for the petitioner that already the petitioner and the victim girl fell in love and since they belongs to different communities, her parents did not accept their love and only with a view to give a threat to the petitioner, the mother of the victim girl gave a false complaint against the petitioner and also the fact that the petitioner is in custody for the past 49 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 their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Mahila Court, Srivilliputhur.

[[b]the petitioner shall report before the respondent police daily at 10.00.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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

21/08/2019

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

TO

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

+1. CC to M/S.A.SIVASUBRAMANIAN Advocate SR.No.13821

ORDER

IN

CRL OP(MD) No.11656 of 2019

Date :21/08/2019

MS/VR/SAR-2/21.08.2019/3P.6C