



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

Date : 10/09/2019

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.12588 of 2019

WEB COPY

Murugasan

... Petitioner/Accused

Vs

State through Inspector of Police,
All Women Police Station,
Kovilpatti, Tuticorin District
(Crime No.05/2019).

... Respondent/Complainant

For Petitioner : M/s.KA.RAAMAKRISHNAN, Advocate

For Respondent : Mr.A.P.G.OHM CHAIRMA PRABHU,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.05 of 2019 on the file of the respondent.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner is arrayed as accused. He was arrested and remanded to Judicial Custody on 26.06.2019 for the offences punishable under Sections 5(1) r/w 6 of POCSO Act and 506(ii) of IPC, in Crime No.05 of 2019, on the file of the respondent police. He seeks bail.

3.The petitioner's earlier bail petition was dismissed on 08.08.2019 and the investigation in this case appears to be completed. The statement of the victim was recorded under Section 164 of Cr.P.C.

4.I went through the same. It is seen that the petitioner and the victim were in love with each other and her relationship was rather consensual. It is true that the victim was minor at the relevant time. But then the age of the victim was 17 years, while the petitioner is aged 21 years. I am of the view that continued

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5. Taking note of the facts and circumstances of this case, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall execute 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 Judge, Tuticorin, Tuticorin District.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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].

sd/-
10/09/2019

/ TRUE COPY /

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

TO

- 1 THE MAHILA JUDGE
TUTICORIN, TUTICORIN DISTRICT
- 2 THE SUPERINTENDENT, CENTRAL JAIL, MADURAI.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KOVILPATTI, TUTICORIN DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.KA.RAAMAKRISHNAN, Advocate
(SR-15161[I] dated 10/09/2019)

ORDER IN
CRL OP(MD) No.12588 of 2019
Date :10/09/2019

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