



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/09/2019

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PRESENT

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

CRL OP (MD) . No.12832 of 2019

Arunkumar,

... Petitioner/Sole Accused

Vs

State Rep by
The Inspector of Police,
Kombai Police Station, Theni District
(Crime No.225 of 2019).

... Respondent/Complainant

For Petitioner : M/s.A.R.Kannappan,
Advocate.

For Respondent : A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

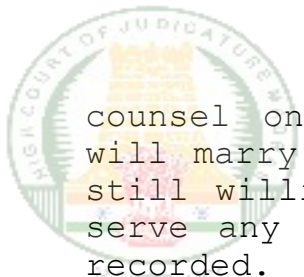
for Bail in Crime No.225 of 2019 on the file of the respondent police

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 in custody since 10.08.2019 for the offences under section 366 of I.P.C. and Section 6 of POSCO Act, 2012, in Crime No.225 of 2019, on the file of the respondent police. Hence, he seeks bail.

3.A mere reading of the FIR indicates that the relationship between the petitioner and the victim was rather consensual in nature. The victim is aged about 17 years while the petitioner is aged about 22 years. It is a case of love affair. The petitioner's



counsel on instructions gives an undertaking that the petitioner will marry the victim after she attains majority, if the victim is still willing. Continued incarceration of the petitioner will not serve any purpose. The statement of the victim has already been recorded.

4. In view of the same, 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 Fast Track Court, Mahila Court, Theni.

(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 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 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/-
17/09/2019

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

TO

1. The Judge, Fast Track Court, Mahila Court, Theni.
2. The Officer Incharge, District Jail, Theni.
3. The Inspector of Police,
Kombai Police Station, Theni District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.A.R. KANNAPPAN, Advocate Sr. No. 15872

ORDER IN
CRL OP (MD) No.12832 of 2019
Date : 17/09/2019

TR/PN/SAR-II (17.09.2019) 2P 6C