



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

Date : 29/01/2020

PRESENT

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

CRL OP(MD). No.1482 of 2020

Vijay ... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
AWPS Papanasam Police Station,
Thanjavur District.
Crime No.8 of 2019.

... Respondent/Complainant

For Petitioner : M/s.N.Kamesh, Advocate.
For Respondent : Ms.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.8 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 15.12.2019 for the offences punishable under section 366 of I.P.C., r/w Sections 5(1) and 6 of Protection of Child from Sexual Offences Act, 2012, r/w Section 9 of Child Marriage Act, 2006, in Crime No.8 of 2019 on the file of the respondent police. He seeks bail.

3. On going through the materials on record, it is seen that the petitioner had consensual relationship with the victim. Of-course, the victim is aged 16 years. The continued incarceration of the petitioner is not going to serve any purpose.

4. The petitioner undertakes to sign before the respondent daily at 06.00 p.m., till the final report is filed in this case. The petitioner's counsel, on instructions, states that the petitioner will not apply for modification or relaxation of this



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;

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(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 learned Sessions Judge, Special Court of POCSO Act, Thanjavur.

(ii) the petitioner is directed to appear before the respondent police daily at 06.00 pm., till the final report is filed in this case.

(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/-
29/01/2020

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

TO

- 1.THE SESSIONS JUDGE,
SPECIAL COURT OF POCSO ACT, THANJAVUR.
- 2.THE INSPECTOR OF POLICE,
AWPS PAPANASAM POLICE STATION, THANJAVUR DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL JAIL, THANJAVUR.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.KAMESH Advocate SR.No.1752

ORDER
IN
CRL OP(MD) No.1482 of 2020
Date :29/01/2020

RMI

<https://hccs.csr.gov.in/hccs-services/1.2020/2P/6C>