



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/02/2020

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PRESENT

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

CRL OP(MD) . No.1961 of 2020

Jeeva

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Kodaikkanal Police Station,
Dindigul District.
(Crime No.411 of 2019)

... Respondent/Complainant

For Petitioner : M.Gandhi, 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.411 of 2019 on the file of the respondent police.

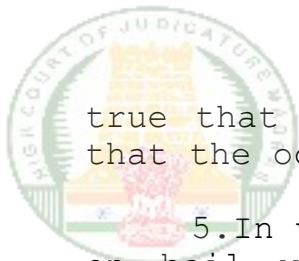
ORDER : The Court made the following order :-

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 26.12.2019 for the offences under Section s366-A of IPC read with Section 3(A) and 4 of Protection of Children from Sexual Offences Act, 2012 in Crime No.411 of 2019 on the file of the respondent police. He seeks bail.

3. The case of the prosecution is that the victim girl who is aged about 15 years was kidnapped by the petitioner herein and that the petitioner had physical relationship with her by promising to marry her. The petitioner had taken the victim on 23.12.2019 and the victim was secured on 25.12.2019.

4. On carefully going through the materials on record and after hearing the learned counsel for the petitioner, it is so obvious that the victim had consented to accompany the petitioner. It is



true that the minor's consent is no consent. But the fact remains that the occurrence had taken place with her willingness.

5. In view of the above, 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 Court at Dindigul.

(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/-
05/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDGE,
MAHILA COURT, DINDIGUL.
2. THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL,
DINDIGUL.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.S.K.MANI, Advocate (SR-2314[I] dated 05/02/2020)

ORDER
IN
CRL OP(MD) No.1961 of 2020
Date :05/02/2020