



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

Date : 25/02/2020

PRESENT

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

CRL OP(MD). No.2638 of 2020

Vishva

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Sivagangai.
Crime No.20/2019.

... Respondent/Complainant

For Petitioner : M/s.B.Santhanamrajeshkumar,
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. 20/2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

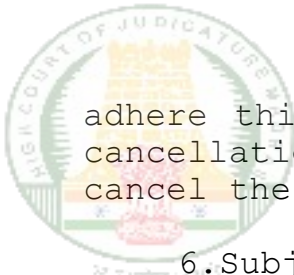
Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 22.12.2019 for the offences punishable under sections 5(1) and 6 of POCSO Act, in Crime No.20 of 2019 on the file of the respondent police. He seeks bail.

3. The petitioner is a college going student. The case of the petitioner appears to be that the relationship with the victim was based on consent. But then, the victim is a minor. Therefore, the petitioner cannot plead the same as a defence.

4.The petitioner through his counsel gives an undertaking that he will ensure that a sum of Rs.2,000/- is deposited in the bank account of the victim every month.

5.The petitioner's liability will commence from next month onwards. Of-course, this liability will continue till the trial in this case is over. It is made clear that if the petitioner fails to



adhere this undertaking, the prosecution shall file a petition for cancellation before this Court and this Court will not hesitate to cancel the bail now granted.

6. Subject to this condition, 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 learned Special Court for Exclusive Trial of Cases under POCSO Act, Sivagangai.

(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/-
25/02/2020

/ TRUE COPY /

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

TO

1. THE SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, SIVAGANGAI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SIVAGANGAI.
3. THE OFFICER INCHARGE
SUB JAIL, MELUR, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.SANTHANAMRAJESHKUMAR Advocate SR.No.3962

ORDER
IN
CRL OP(MD) No.2638 of 2020
Date :25/02/2020

rmi

<https://hccrvtce.sirgob.in/hccservices> 2020/2P/6C