



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/02/2020
PRESENT

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

CRL OP(MD) . No.3253 of 2020

Al Hasan

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station, South,
Madurai.
(In Crime No.15/2019)

... Respondent/Complainant

For Petitioner : M/s.S.M.A.Jinnah, 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.15 of 2019 on the file of the Respondent Police.

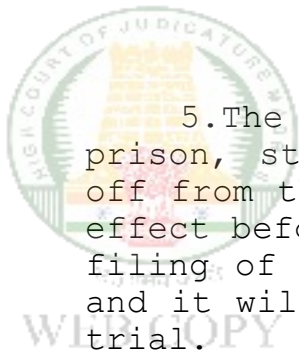
ORDER : The Court made the following order :-

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 25.12.2019 for the offences punishable under sections 5(1), 6, 11(5) and 12 of Protection of Child From Sexual Offences Act, 2012, in Crime No.15 of 2019 on the file of the respondent police. He seeks bail.

3. The defacto complainant has alleged that his minor child has been seduced by the petitioner. It is seen that the complainant had put his daughter in Salem. The petitioner is said to have gone to Salem and induced the minor child to come out of the Hostel, so that, they can spend a night together. The conduct of the petitioner is beyond condonation.

4.However, the petitioner's counsel states that the petitioner is a 20 years old young man and he is studying in the Wakf Board College.



5.The petitioner's counsel who met the petitioner in the prison, states that the petitioner has undertaken to totally keep off from the victim. The petitioner will file an affidavit to this effect before the Court below after coming out on bail. Of-course, filing of such an affidavit will not be put against the petitioner and it will be without prejudice to the petitioner's defence in the trial.

6.If the petitioner breaches this undertaking, this Court will not hesitate to cancel this bail and commit him to custody.

7.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 Sessions Judge, Special Court for Exclusive Trial Cases of under POCSO Court, Madurai.

(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/-
27/02/2020

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

TO

1. THE SESSIONS JUDGE, SPECIAL COURT FOR EXCLUSIVE TRAIL
CASES OF UNDER POCSO COURT, MADURAI.

2. THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SOUTH, MADURAI.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.M.A.JINNAH, Advocate (SR-4221[I] dated 27/02/2020)

ORDER IN

CRL OP(MD) No.3253 of 2020

Date :27/02/2020