





3. According to the petitioner he and the victim girl were in love and voluntarily they eloped since the parents of the victim girl were making arrangement for her marriage against her wish. Since they belong to different community, the parents were not in favour of their marriage and thereafter at the instigation of the parents a false complaint has been lodged.

4. To ascertain whether there is truth in the said contention made by the petitioner, this Court called for 164 Cr.P.C statement of the victim girl and perused.

5. On perusal of the statement of the victim girl recorded under Section 164 of Cr.P.C and the employment registration card, Court find that the victim girl was born on 27.03.2002 and on the date of occurrence she was 17 years and 9 months old. From the statement of the victim it appears that against her wish her parents have arranged a marriage, therefore she had left the house on her own wish and consented for sexual intercourse with the petitioner with whom she is in love.

6. Under such circumstance, taking note of the fact that the victim girl though at the time of the occurrence was three months short for majority, now she has attained majority and given statement that the carnal relationship was consensual, this Court is inclined to grant bail to the petitioner by imposing conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the Special Sessions Court for POCSO Cases, Srivilliputhur;

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b] the petitioner shall report before the Special Sessions Court for POCSO Cases, Srivilliputhur on every Monday at 10.30 a.m until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
04/03/2020

/ TRUE COPY /

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

TO

- 1 THE JUDGE,  
SPECIAL SESSIONS COURT FOR POCSO CASES,  
SRIVILLIPTHUR.
- 2 THE SUB INSPECTOR OF POLICE  
NORTH POLICE STATION,  
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
- 3 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.THIRUMURUGAN, Advocate ( SR-4751[I] dated  
04/03/2020 )

ORDER  
IN  
CRL OP(MD) No.3941 of 2020  
Date :04/03/2020

AAV  
JM/PN/SAR 1/04.03.2020/3P/6C