



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

Date : 06/03/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4223 of 2020

ALEX PANDIYAN

... PETITIONER/SOLE ACCUSED

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
KOMBALAI POLICE STATION,
CRIME NO.10/2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.Rm.Arun Swaminathan,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

for bail in Crime No. 10 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

This petition has been filed by the petitioner/ sole accused seeking bail for the alleged offence punishable under Sections 366 of IPC and Section 6 of POCSO Act.

2. Based on the complaint given by the mother of the victim girl representing girl missing a case was registered 13.01.2020 and this petitioner was arrested on 19.01.2020. The victim girl was rescued and sent to home. Thereafter the Investigation Officer has taken the victim girl to the Magistrate for recording her 164 Cr.P.C Statement and the same was recorded on 04.02.2020.

3. The learned counsel for the petitioner would submit that the petitioner herein and the victim girl were working in a private service and fell in love. Since the mother of the victim was



not happy with their love affair stopped the girl from going to job. Thereafter the victim girl eloped from her home and on 12.01.2020 got married with the petitioner in Murugar Temple and started living as husband and wife.

4. The 164 Cr.P.C statement substantially supports the case of the petitioner. Though the Date of Birth of the victim is 13.06.2003 and obviously the girl is minor, since there is prima facie materials to show that the petitioner is a minor girl and got married as per Hindu rites and customs and substantial portion of the investigation is already completed, this Court is inclined to grant bail to the petitioner by imposing conditions.

5. 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 Fast Track Mahila Court, Theni.

[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 stay at Madurai and report before the Inspector of Police, Thallakulam Police Station daily at 10.00a.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/-
06/03/2020

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



TO

1 THE JUDGE,
FAST TRACK MAHILA COURT, THENI.

2 THE INSPECTOR OF POLICE,
KOMBALAI POLICE STATION.

3 THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION, MADURAI.

4 THE OFFICER INCHARGE,
SUBJAIL, THENI.

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

+1 CC to M/s.R.M.ARUN SWAMINATHAN, Advocate (SR-4885[I] dated
06/03/2020)

ORDER

IN

CRL OP(MD) No.4223 of 2020

Date :06/03/2020

AAV

JM/VR/SAR 2/06.03.2020/3P/7C