



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

Date : 20/03/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.4802 of 2020

Bharath ... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Tuticorin District.
CrimeNo.10 of 2020

... Respondent/Complainant

For Petitioner : Mr.C.Susukumar,
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/ 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the State.

2. The petitioner herein was arrested for offence under Sections 363 of IPC and Section 11(6) r/w.12 (5)(j)(ii) 5(1)r/w.6 of POCSO Act and he was remanded to custody on 22.09.2019. As per the complaint given by the mother of the victim girl is that her daughter aged about 17 years who was studying 12th standard was kidnapped by the petitioner herein and he had sexual intercourse with her and impregnated her giving false promise to marry her. The victim girl being minor , the respondent police had registered case in Crime No. 10 of 2020 and had arrested the petitioner.

3. During investigation the statement of the victim girl has been recorded before the learned Judicial Magistrate under Section 164 Cr.P.C. The 164 Cr.P.C statement of the victim girl indicates that she on her own eloped with the petitioner herein and married him. On knowing that she has become pregnant her parents tried to



abort it. Hence she called the petitioner and eloped with him. when they both went to the police to report about their marriage the petitioner was arrested and she was taken to the home. The Birth certificate of the victim indicates that she was born on 05.10.2002.

4. The learned Additional Public Prosecutor would submit that the victim girl is at present in Adaikalapuram Christian Mission Home and she is in the advance stage of pregnancy and she is not willing to go with her parents.

5. Taking into consideration the facts of the case, this court is inclined to grant bail to the petitioner on the following conditions:

6. 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 Court of Exclusive trial of cases Under POCSO Act, Thoothukudi;

[a] 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 respondent police as and when required for interrogation,

[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/-
20/03/2020

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



TO

1.THE SPECIAL COURT OF EXCLUSIVE
TRIAL OF CASES UNDER POCSO ACT, THOOTHUKUDI.

2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TUTICORIN DISTRICT.

3.THE OFFICER INCHARGE
DISTRICT JAIL, PERURANAI.

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

+1. CC to M/S. C.SUSI KUMAR Advocate SR.No.5580

ORDER

IN

CRL OP(MD) No.4802 of 2020

Date :20/03/2020

TK/PN/SAR.3/20.03.2020/3P/6C