



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/06/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.5953 of 2020

Munish @ Mathavan @ Munishmathavan ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.
in Cr.No.282/2020. ... Respondent/Complainant

For Petitioner : M/s.D.Rameshkumar,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Cr.M.P.No.653/2020 on the file of the Sessions Judge, Fast Track Mahila Court, Ramanathapuram.

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 25.05.2020 for the offences punishable under Sections 366(A) IPC @ 366(A)IPC r/w 7 & 8 of POCSO Act, 2012 r/w 9 of Child Marriage Act, in Crime No.653 of 2020 on the file of the respondent police and seeks bail.

3.The learned counsel appearing for the petitioner claims that the victim is a very close relative. There was a love affair between the petitioner and the victim. The victim is said to have voluntarily come to the house of the petitioner. The learned counsel appearing for the petitioner would further claim that it was his family that had handed over the victim to the police. He would further state that on account of involvement of the child-line official, case was registered.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would point out that the complaint has been lodged by the mother of the victim. The victim is aged about 17 years and 4 months.

5.Considering the overall facts and circumstances, 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 be released on own bond by the concerned Court without insisting on sureties. However, the petitioner is directed to 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 (Fast Track Mahila Court), Ramanathapuram, after the concerned Court is reopened.

(ii)the petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii)on breach of any of the aforesaid conditions, the 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 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/-
11/06/2020

/ TRUE COPY /

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE SESSIONS JUDGE (FAST TRACK MAHILA COURT), RAMANATHAPURAM.
2. THE INSPECTOR OF POLICE,
UCHIPULI POLICE STATION, RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT PRISON, RAMANATHAPURAM.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.5953 of 2020

Date : 11/06/2020