



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

Date : 15/06/2020

PRESENT

The Hon'ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.6086 of 2020

T.Madasamy

... Petitioner/Sole Accused

Vs

The State rep. by  
The Inspector of Police,  
Rajapalayam North Police Station,  
Virudhunagar District  
Cr No.338/2020.

... Respondent/Complainant

For Petitioner : M/s. K.Ramesh Kumar,  
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,  
Government Advocate (Criminal Side)

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

**PRAYER :-**

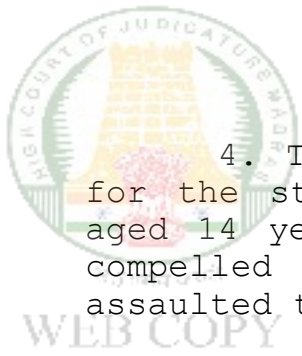
For bail in Crime No.338 of 2020, on the file of the respondent police.

**ORDER :** The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal Side) appearing for the respondent.

2. The petitioner, who was arrayed as sole accused in Crime No.338 of 2020, on the file of the respondent Police, was arrested and remanded to Judicial Custody on 25.05.2020, for the offences punishable under Section 338 of IPC., and Sections 3 and 4 of Protection of Children from Sexual Offences Act, and Section 9 of Prohibition of Child Marriage Act, seeks bail.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence, as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 25.05.2020.



4. The learned Government Advocate (criminal side) appearing for the state, on instructions, would submit that the victim, is aged 14 years, at the time of occurrence. The accused compelled the victim to come to Rajapalayam and there he sexually assaulted the victim.

5. I have heard the learned counsel appearing on either side and perused the materials available on record.

6. On perusal of 164 statement of the victim would show that the victim, on her own volition, went along with the accused, had sexual intercourse with him, which is allegedly a consensual act. Taking note of the facts and circumstances of this case, 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;

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate 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 for interrogation, daily at 10.30 a.m., until further orders.

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

[d] the petitioner shall not abscond 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/-  
15/06/2020

/ TRUE COPY /

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



TO

1. THE JUDGE,  
SPECIAL SESSIONS COURT,  
VIRUTHUNAGAR, SRIVILLIPUTHUR.
2. DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE,  
SRIVILLIPUTHUR AT VIRUTHUNAGAR DISTRICT.
3. THE OFFICER IN CHARGE,  
SUB JAIL,  
SRIVILLIPUTHUR.
4. THE INSPECTOR OF POLICE,  
RAJAPALAYAM NORTH POLICE STATION,  
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP (MD) No.6086 of 2020  
Date :15/06/2020

STS  
SRS/ JC/ SAR-II/ 15.06.2020/ 3P/6C