



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/07/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.6634 of 2020

T.Suresh

... Petitioner/sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Pudukottai.
(Crime No.6/2019)

... Respondent/Complainant

For Petitioner : M/s.J.Sanjey Vignesh,
Advocate.
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 6 of 2019 on the file of the respondent police.

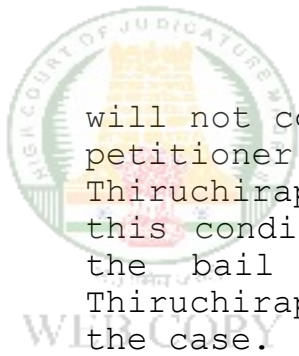
ORDER : The Court made the following order :-

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

2. The petitioner was arrested and remanded to Judicial Custody on 11.07.2019 for the offences punishable under sections 5(1)(11), 5(1), 5(m), 6 of POCSO Act 2012 and Section 506(i) and 312 of I.P.C., in Crime No.6 of 2019 on the file of the respondent police. He seeks bail.

3. Considering the serious allegations against the petitioner, his earlier bail petition was dismissed. The victim is 14 years school going child who was impregnated by the petitioner.

4. Taking note of the fact that one year has elapsed since he was arrested, I am inclined to grant relief. However, the petitioner



will not come in contact with the victim under any circumstance. The petitioner's counsel undertakes that the petitioner will stay at Thiruchirappalli and completely keep away from the victim girl. If this condition is breached, this Court will not hesitate to cancel the bail that is now granted. The petitioner will stay at Thiruchirappalli and enter Pudukkottai for the purpose of attending the case.

5. Recording the undertaking given by the petitioner that he will not come and contact with the victim, 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 Sessions Judge 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, Mahila Court, Padukkottai, after the concerned Court is reopened on regular basis.

(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 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 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/-
10/07/2020

/ 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,
MAHILA COURT, PUDUKOTTAI.
2. THE SUPERINTENDENT, CENTRAL PRISON,
TRICHY.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, PUDUKOTTAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6634 of 2020
Date :10/07/2020

MS/PN/SAR-2/10.07.2020/3P.5C