



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.6714 of 2020

SUJIN

... PETITIONER/SOLE ACCUSED

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
COLACHEL AWPS,
KANYAKUMARI DISTRICT.
CR.NO. 13 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.S.Muniyandi,
Advocate.

For Respondent : M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the Petitioner/Accused on bail in the event of his arrest in Cr.No. 13 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner was arrested and remanded to judicial custody on 22.05.2020 for the alleged offence under Sections 11 (iv) abd 12 of POCSO Act and 506(ii)of IPC. Hence, he seeks bail.

2.The case of the prosecution is that the petitioner said to have pulled the victim hand and also forced her to marry him. Hence the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.Heard the learned Additional Public Prosecutor appearing for the respondent police.



5. On perusal of the records, it is seen that the crime has been registered for the offence under Sections 11 (iv) and 12 of POCSO Act and 506(ii) of IPC. The victim girl is aged about 14 years, the main allegation was that the petitioner compelled the victim to marry him, and there is no sexual harassment.

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6. Considering the above facts and circumstances and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to 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 learned Special Court for Exclusive Trial of Cases under POCSO Act, Kaniyakumari at Nagercoil.

i) 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

ii) the petitioner shall report before the respondent police on every Monday at 10.30 a.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
13/07/2020

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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



TO

- 1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT,
KANIYAKUMARI AT NAGERCOIL.
- 2 THE INSPECTOR OF POLICE
COLACHEL AWPS,
KANYAKUMARI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGERCOIL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6714 of 2020
Date :13/07/2020

DAS
JM/JC/SAR 2/14.07.2020/3P/5C