



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

Date : 10/07/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.6790 of 2020

R.Vadivoo ... Petitioner/Accused No.7

Vs

The State rep. by
The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
(Cr.No.444/2020).

... Respondent/Complainant

For Petitioner : M/s.C.Saravana Kumar,
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.444/2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 05.06.2020 for the alleged offences under Sections 147,148,294(b),448,366(A),506(ii) of IPC and Section 4 of TNPHW Act and Section 6,5(1),14(1),17 of POSCO Act 2012 and 9,10, of Child Marriage Act, 2006.

2. The case of the prosecution is that the victim girl aged about 14 years has been kidnapped by the petitioner and the other accused and she was kept in the custody of the petitioner's house.

3. The learned counsel for the petitioner would submit that the petitioner has no active role in the said occurrence and even according to the prosecution, A1 in this case has took the victim



girl to the petitioner's house and later on left her in the petitioner's house.

4. The learned Government Advocate(Crl.Side) would submit that after kidnapping the victim girl she was kept in the petitioner's house and she has convinced by the petitioner to marry A1.He would also submit that some of the co- accused in this case are still absconding.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner has only give shelter to the victim girl and also taking into consideration 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 her 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 Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli.

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 as and when required for interrogation.

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/-
10/07/2020

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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 concerned.

TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
4. THE OFFICER IN-CHARGE,
SUB JAIL, KOKKIRAKULAM,
TIRUNELVELI DISTRICT.

ORDER

IN

CRL OP(MD) No.6790 of 2020

Date :10/07/2020

AAV

TE/JC/SAR-II : 13/07/2020 : 3P/5C