



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

Date : 12/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.6881 of 2020

Ponmalai,
S/o Variamani,
Pannaipatti,
Usilampatti Taluk, Madurai District. ... Petitioner/Accused

Vs

State Rep by:
The Inspector of Police,
All Woman Police Station,
Usilampatti
In Crime No. 6 of 2020
Madurai District. ... Respondent/Complainant

For Petitioner : M/s.M.Subash Babu,
Advocate.

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

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

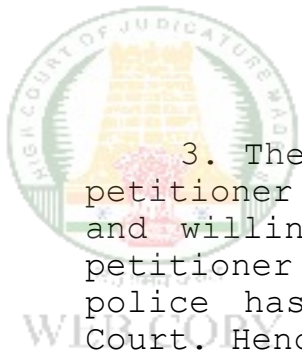
PRAYER :-

For Bail in Crime No. 6 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/sole accused herein was arrested and remanded to judicial custody on 13.05.2020 for the alleged offences under Sections 5(1),5(j)(ii) and 6 of POCSO Act and Section 506(i) of IPC.

2. The case of the prosecution is that the petitioner herein on false promise that he will marry the victim girl, had sexual intercourse with her and she also become pregnant, thereafter when victim asked the petitioner herein to marry her, he refused and also criminally intimidated her. Hence the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is falsely implicated in this case and he is also ready and willing to undergo DNA test. He would also submit that the petitioner is in jail for more than 90 days and the respondent police has not yet filed the final report before the concerned Court. Hence he seeks bail.

4. The learned Government Advocate(Crl.Side) the petitioner here in on false promise that he will marry the victim had sexual intercourse with the victim and thereafter refused to marry her. He would also submit that the victim now gave birth to a child.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner is ready and willing to undergo DNA test and also the fact that the petitioner is in jail for more than 90 days and the final report not yet filed by the respondent police before the concerned court, 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 Special Court for exclusive trial of Cases under the POCSO Act, Madurai

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 and subject himself to undergo DNA Test.

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/-
12.08.2020

WEB COPY

//True Copy//

SUB ASSISTANT REGISTRAR (CS II)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

AAV

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 Judge,
The Special Court
for exclusive trial of Cases under the POCSO Act,
Madurai.
2. The Superintendent, Central Prison, Madurai
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. The Inspector of Police,
All Woman Police Station,
Usilampatti, Madurai District.

ORDER
IN
CRL OP(MD) No.6881 of 2020
Date : 12/08/2020

AP(12/08/2020) 3P 5C/AKM/SAR-2