



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7003 of 2020

Parthiban .. Petitioner/Accused

Vs

state rep.by
The Inspector of Police,
Sempatti Police Station,
(Crime No. 844/2020, U/s 363 IPC Sec 5(1), R/w 6
of Protection of Children from Sexual Offences Act-2012)
Dindigul District. ... Respondent/Complainant

For Petitioner : M/s.P.Senthoor Pandi, Advocate.
For Respondent : K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

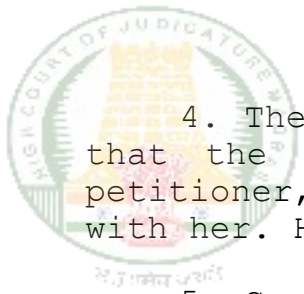
For Bail in Crime No.844 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused in Crime No.844 of 2020 for the offences under Section 363 of the Indian Penal Code and Section 5(1) r/w Section 6 of the Protection of Children from Sexual Offences Act, 2012, was arrested and remanded to judicial custody on 19.06.2020 and hence, he seeks bail.

2. The allegation against the petitioner is that he had sexual intercourse with the victim girl, who is a minor aged about 17 years, by giving promise to marry her.

3. The learned counsel for the petitioner would submit that the petitioner and the victim girl fell in love with each other and the victim girl, on her own volition, came out of her parental home and now, the victim girl is aged more than 17 years and the petitioner is ready and willing to marry her. Therefore, he prayed for bail in favour of the petitioner.



4. The learned Government Advocate (Criminal side) would submit that the victim girl is a minor aged about 17 years and the petitioner, under the guise of marrying her, had sexual intercourse with her. Hence, the complaint.

5. Considering the facts and circumstances of the case and also taking note of the statement given by the victim girl under Section 164 of the Code of Criminal Procedure that she, on her own volition, came out of her parental home 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 Fast Track Mahila Court, Dindigul.

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 once in a week i.e., 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 petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

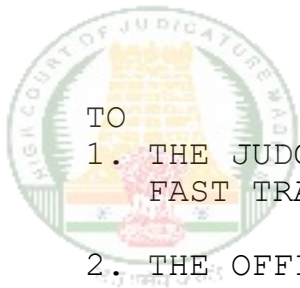
10/07/2020

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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 JUDGE,
FAST TRACK MAHILA COURT, DINDIGUL.
2. THE OFFICER INCHARGE, SUB JAIL, VEDASANTHUR.
3. THE INSPECTOR OF POLICE,
SEMPATTI POLICE STATION, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7003 of 2020

Date :10/07/2020

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