



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/07/2020
PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7072 of 2020

Thiruppathi

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
Crime No.829 of 2020.

... Respondent/Complainant

For Petitioner : M/s.M.S.Jeyakarthik, 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 Cr.No.829 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 18.06.2020 for the alleged offences under Sections 366(A) of IPC @ 366(A) of IPC and Section 7 and 8 of POCSO Act.

2. The case of the prosecution is that the petitioner herein is said to have kidnapped the victim girl aged about 17 years on the promise of marrying her. Based on the complaint given by the mother of the victim the present case has been registered.

3. The learned counsel for the petitioner would submit that the petitioner and the victim are in love with each other and the victim herein came out from her parental home on her own and thereafter the petitioner and his uncle took the victim to the Melur All Women Police Station and handed her to the police. He would also submit that the petitioner had not kidnapped the victim girl. Hence he seeks bail.

4. The learned Government Advocate(Crl.Side) opposing the bail petition submitted the 164 Cr.P.C statement of the victim girl,



wherein she has stated that she had left her parental home on her own wish and the petitioner herein has not kidnapped the victim girl.

5. I have perused the statements of the victim girl.

6. Taking note of the above facts and circumstances of the case and also taking note of the statement of the victim girl that the petitioner has not kidnapped the victim girl and also the fact that the petitioner and his uncle took the victim girl to the Melur All Women Police Station and handed her to the police 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 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 Sessions Judge, Special Court for trial 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.

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/-

15/07/2020

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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 SESSIONS JUDGE,
SPECIAL COURT FOR TRIAL CASES UNDER THE POCSO ACT,
MADURAI.
2. THE OFFICER INCHARGE, DISTRICT JAIL,
USILAMPATTI.
3. THE INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7072 of 2020
Date :15/07/2020

MS/JC/SAR-2/16.07.2020/3P.5C