



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7337 of 2020

Kasimaharajan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Manamadurai, Sivagangai.
Crime No.3/2020.

... Respondent/Complainant

For Petitioner : M/s.P.Karthick,
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.3/2020 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 24.05.2020 for the alleged offences under Sections 294(b), 376 and 506(i) of IPC @ 294(b), 506(i) and 5(1)(n) and 6 of the POCSO Act, 2012.

2. The case of prosecution is that the victim girl is aged about 17 years at the time of occurrence and the petitioner on the false promise to marry her had sexual intercourse with her and later refused to marry her. Based on the complaint given by the parents of the victim the present case has been registered against the petitioner.



3. The learned counsel for the petitioner would submit that now the victim girl attained majority and the petitioner is ready to marry the victim girl. He would also submit that the parents of the victim as well as the parents of the petitioner have also agreed to perform the marriage and they have also filed a joint affidavit to that effect. Copy of the joint affidavit is also produced before the Court. He would also submit that the petitioner is in jail for nearly 50 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that petitioner on the false promise to marry the victim girl had sexual intercourse with her and thereafter refused to marry her. He would also submit that now the victim attained majority. He would also submit that investigation is almost completed.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the fact that the victim girl attained majority and the parents of the victim and the parents of the petitioner are ready to perform marriage and also taking into consideration that major portion of the investigation is completed 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 Special Court, POCSO Cases, Sivagangai.

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 petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/07/2020

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/ /2020
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 SPECIAL JUDGE,
POCSO CASES, SIVAGANGAI.
2. THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MANAMADURAI, SIVAGANGAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7337 of 2020
Date :17/07/2020

MS/JC/SAR-3/17.07.2020/3P.5C