



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

Date : 31/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7250 of 2020

Muthuselvam,

... Petitioner/Accused No.1

Vs

State Rep by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
Crime No. 145 of 2019..

... Respondent/Complainant

For Petitioner : M/s.Pr Boomee Rajan,
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.145 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/1st accused herein was arrested and remanded to judicial custody on 21.08.2019 for the alleged offences under Section 366(A) of IPC @ Sections 5(1)(j)(11) and 6 of POCSO Act 2012.

2.The case of the prosecution is that the victim girl, who is aged about 15 years, is the friend of the petitioner's daughter, the petitioner, is a Auto Driver. The petitioner is said to have kidnapped the minor girl and forcefully sexual intercourse with her and the girl got pregnant. Subsequently, the pregnant was



terminated. Based on the complaint given by victim parents, the present complaint has been registered.

3.The learned counsel for the petitioner would submit that the petitioner was in jail for more than 11 months. Now the investigation is completed and the final report has also been filed and the co-accused in this case was arrested and released on bail.

4.The learned Government Advocate(Crl.Side) would submit that on the date of occurrence, the petitioner is said to have kidnapped and forcefully had sexual intercourse with the victim girl. Subsequently she got pregnant and thereafter, the pregnant was terminated. He would further submit that the investigation is over and the final report has also been filed before the concerned Court.

5.Considering the facts and circumstances of the case and also considering the fact that the occurrence is said to have taken place on 23.03.2019 and the petitioner was in incarceration for 11 months and also the fact that the investigation is over, 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 Family Court/Special Court of POCSO Act, 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 Family Court/Special Court of POCSO Act, Sivagangai, 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 accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

sd/-
31/07/2020

/ TRUE COPY /

/ /2020

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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 Family Court/Special Court of POCSO Act, Sivagangai.
2. The Superintendent, Central Prison, Madurai.
3. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.7250 of 2020
Date : 31/07/2020

TR/RSK/SAR-II (31.07.2020) 3P 5C