



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7686 of 2020

P.Ponnupandi

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
Cr.No. 249 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Malaikani,
Advocate.

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

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

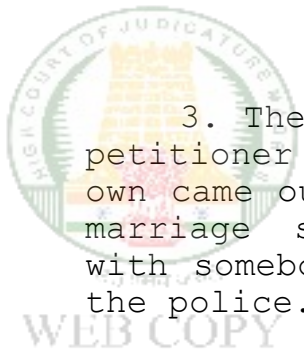
PRAYER :-

For Bail in Cr.No. 249 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 herein was arrested and remanded to judicial custody on 17.06.2020 for the alleged offence under Sections Girl Missing @ 363,342 of IPC and Section 3 r/w.4,16 r/w.17 of POCSO Act.

2. There are totally three accused in this case. The petitioner herein is A1. The victim girl is aged about 17 years. The case of the prosecution is that A1 and A2 in this case are said to have kidnapped the victim girl for the purpose of getting marriage and they had sexual intercourse with her. Hence the mother of the victim has given complaint.



3. The learned counsel for the petitioner would submit that the petitioner and the victim were in love and the victim girl on her own came out of the parental house and compelled the petitioner for marriage since the parents of the victim are arranging for marriage with somebody else. Now the victim was secured and handed over to the police.

4. The learned Government Advocate(Crl.Side) would submit that the victim is minor aged about 17 years and the petitioner herein along with other accused kidnapped the victim for the purpose of getting marriage and also sexually assaulted her. He would also submit that similarly placed co-accused namely A2 in this case was released on bail by this Court on 22.07.2020 in Crl.O.P(MD) No.7257 of 2020.

5. I have perused the 164 Cr.P.C statement of the victim girl, wherein she has clearly stated that she came out of the parental home on her own.

6.Taking note of the above facts and circumstances of the case and also taking note of the fact that the victim girl was secured and also taking into consideration the period of incarceration and also the fact that investigation is almost completed and also the fact that similarly placed co-accused in this case namely A2 in this case was released on bail by this Court on 22.07.2020 in Crl.O.P(MD) No.7257 of 2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.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 exclusively trial of cases under POCSO Act, Virudhunagar District

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.

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

ORDER
IN
CRL OP(MD) No.7686 of 2020
Date :23/07/2020

AAV
TE/PN/SAR-III : 23/07/2020 : 3P/5C