



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

Date : 16/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7451 of 2020

C.IYYER

... PETITIONER/SOLE ACCUSED

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
SATTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT,
CRIME NO. 303 OF 2020.

... RESPONDENT/COMPLAINANT

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

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

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

PRAYER :-

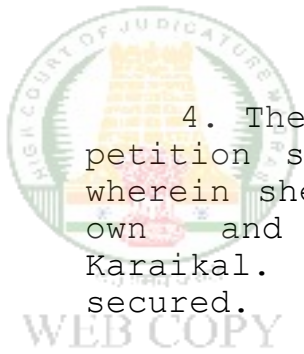
For Bail in Crime No. 303 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/sole accused herein was arrested and remanded to judicial custody on 03.06.2020 for the alleged offences under Sections 366(A) of IPC and Section 7 r/w.8 of POCSO Act,2012.

2. The case of the prosecution is that the petitioner herein is said to have kidnapped the victim girl 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 did not kidnap the victim girl and the victim girl came out from her parental home on her own and thereafter she was secured. He would also submit that the petitioner is in jail for



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 and stayed with the petitioner in their friends home at Karaikal. Thereafter they came to the native place and she was secured.

5. I have perused the statement 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 victim girl was secured also 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 Mahila Court (Special Court for POCSO Act Caes) Virudhunagar District at Srivilliputhur.

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/-
16/07/2020

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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,
MAHILA COURT
(SPECIAL COURT FOR POCSO ACT CASES),
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 2 THE INSPECTOR OF POLICE
SATTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, DINDIGUL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7451 of 2020
Date :16/07/2020

AAV
JM/VR/SAR 2/16.07.2020/3P/5C