



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

Date : 23/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7481 of 2020

Subburaj

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Tenkasi, Tenkasi District.
Crime No.8 of 2020.

... Respondent/Complainant

For Petitioner : M/s.J.C.Rathnavel Pandian,
Advocate.

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

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

PRAYER :-

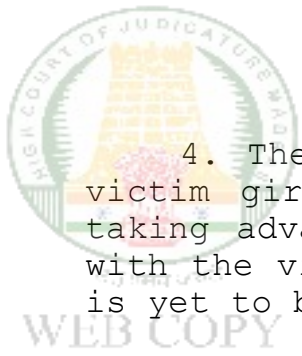
For Bail in Crime No. 08 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 17.05.2020 for the alleged offences under Sections 376 of IPC and Section 6,5(1),5(n), 5(j)(2) of POCSO Act.

2. The victim is a minor girl, who is none other than the petitioner's wife's sister and temporarily residing in the house of the petitioner. The case of the prosecution is that the petitioner said to have sexually assaulted the victim girl and had forcible sexual intercourse with her and the victim girl also become pregnant. Based on the complaint given by the victim the present complaint has been registered.

3. The learned counsel for the petitioner would submit that the petitioner is the sister's husband of the victim and he is innocent and in fact he is only taking care of the victim. He would also submit that the victim was in love with some other person and when the same was questioned by the petitioner he has been falsely implicated in the case.



4. The learned Government Advocate(Crl.Side) would submit that victim girl is temporarily staying in the petitioner's house and taking advantage of the same the petitioner had sexual intercourse with the victim and she got pregnant. He would submit that DNA test is yet to be conducted.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the relationship between the petitioner and the victim and also the fact that investigation is almost 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 learned Judicial Magistrate, Shenkottai, Tenkasi 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 daily at 10.30 a.m until further orders and co-operate himself for DNA test.

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/-
23/07/2020

/ TRUE COPY /

/ /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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE, SHENKOTTAI.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TENKASI, TENKASI DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7481 of 2020
Date :23/07/2020

aav
TK/PN/SAR.3/23.07.2020/3P/6C