



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7842 of 2020

Sakthivel

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Manamelkudi Police Station,
Pudukkottai District.
Crime No.419 of 2020.

... Respondent/Complainant

For Petitioner : M/s.T.Lenin Kumar,
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. 419 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 11.07.2020 for the alleged offences under Sections 452,294(b),323, 506(i) of IPC @ 452,294(b),323,506(i) of IPC r/w.Section 12 of POCSO Act.

2. The victim is aged about 17 years. The case of the prosecution is that the petitioner was in love with the victim girl for the past three years and on the date of occurrence the petitioner is said to threatened the defacto complainant and also criminally intimidated her. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner and the victim girl loved each other and on the date of occurrence the petitioner only tried to enter into the house of the defacto complainant,for which a false case has been foisted against the petitioner and no such occurrence has taken place.



4. The learned Government Advocate(Crl.Side) would submit that both the petitioner and the victim girl loved each and the petitioner entered into the house of the defacto complainant and criminally intimidated her and also compelled the victim girl to marry her.

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5. Taking note of the above facts and circumstances of the case and also taking note of the fact that there is no sexual harassment 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 Mahila Court, Pudukottai.

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 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.

sd/-

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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.

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- TO
1. THE JUDGE,
MAHILA COURT, PUDUKOTTAI.
 2. THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.
 3. THE INSPECTOR OF POLICE,
MANAMELKUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7842 of 2020
Date :28/07/2020

MS/VR/SAR-3/28.07.2020/3P.5C