



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.8000 of 2020

Prakash, ... Petitioner/Sole Accused

Vs

The State rep by
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
Crime No. 592 of 2020..

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran,
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.592 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 16.06.2020 for the alleged offences under Section 366(A) of IPC r/w Sections 5(1) and 6 of POCSO Act 2012.

2.The allegation against the petitioner is that the victim girl aged about 17 years had been kidnapped by the petitioner and married her and also sexual intercourse with her. Based on the complaint given by her mother, the present complaint has been registered.

3.The learned counsel for the petitioner would submit that the petitioner is in love with the victim girl. On the date of occurrence, the victim girl on her own volition, she left the house.

<https://hcservices.mca.gov.in/hcservices/> He would submit that the petitioner did not kidnap the



victim girl and he is innocent and in fact he is only taking care of the victim.

4.The learned Government Advocate(Crl.Side) would submit that the victim girl is aged about 17 years and the petitioner had kidnapped the victim girl and also had sexual intercourse with the victim girl. Based on the the complaint given by her mother, the case has been registered and the petitioner was arrested on 04.06.2020.

5.I have perused 164(5) of Cr.P.C., statement of the victim girl, it is seen that the victim girl and the petitioner had fell in love, on the date of occurrence, the victim girl on her own volition, she left her parental house and they stayed together for one week.

6.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 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:

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 learned Sessions Judge, (The Special Court for Exclusive Trial of Under POCSO Act) (FAC) Thanjavur.

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 petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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31/07/2020

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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 Sessions Judge,
(The Special Court for Exclusive
Trial of Under POCSO Act) (FAC) Thanjavur.
2. The Superintendent, District Jail, Pudukkottai.
3. The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.8000 of 2020
Date : 31/07/2020

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