



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8011 of 2020

Maruthan

... Petitioner/Sole Accused

Vs

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

... Respondent/Complainant

For Petitioner : M/s.B.Fazil Kirmani,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

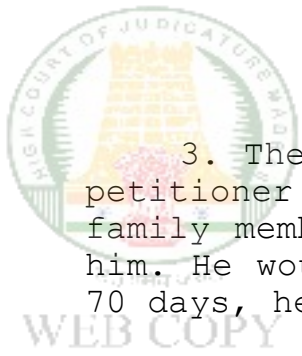
PRAYER :-

For Bail in Cr.No.8 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 04.06.2020 for the alleged offences under Sections 5(i) r/w.6 and 11(iv) r/w. Section 12 of the POCSO Act,2012 and Section 506(i) of IPC.

2. The victim in this case is studying IX standard aged about 15 years and the petitioner herein is a married man. The case of the prosecution is that the petitioner herein has compelled the victim girl to marry her and on false promise against her protest he had sexual intercourse with her several times. When the same was informed to the parents the petitioner herein also criminally intimidated her. Based on the complaint given by the victim parents the present case has been registered.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and due some dispute between him and the family members of the victim a false case has been foisted against him. He would also submit that the petitioner is in jail for nearly 70 days, hence he may be granted bail.

4. The learned Additional Public Prosecutor would submit that victim in this case is studying IX standard aged about 15 years and the petitioner herein is a married man. He would also submit that on threat the petitioner herein had sexual intercourse with the victim several times. He would also submit that investigation is almost completed.

5. From the materials available on record and the statement recorded under Section 164(5) Cr.P.C given by the victim girl, it is seen that the petitioner on false promise of marrying the victim girl on threat had sexual intercourse with her several times and also criminally intimidated her.

6. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner is in jail for nearly 70 days and the investigation is almost completed, 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 Judicial Magistrate, Thirumangalam

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.

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/-
21/08/2020

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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 JUDICIAL MAGISTRATE,
THIRUMANGALAM.
- 2.DO THROUGHT THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
USILAMPATTI, MADURAI DISTRICT.
- 4.THE OFFICER INCHARGE,
SUB JAIL, DINDIGUL.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8011 of 2020
Date :21/08/2020

AAV
TK/JC/SAR.3/21.08.2020/3P/6C