



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

Date : 06/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8130 of 2020

M.KALIRAJ

... PETITIONER/SOLE-ACCUSED

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.
(IN CRIME NO. 9 OF 2020).

... RESPONDENT/COMPLAINANT

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

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

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

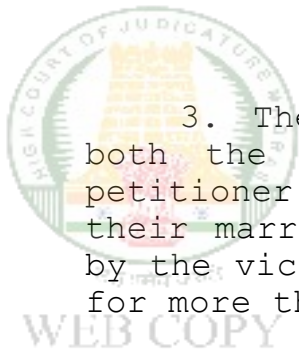
PRAYER :-

For Bail in Crime No. 9 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 22.06.2020 for the alleged offences under Sections 450, 506(i) of IPC and Section 3 r/w.4 of POCSO Act.

2. The victim girl is aged about 16 years. The case of the prosecution is that the petitioner and the victim loved each other and the petitioner had sexual relationship with the victim. Thereafter the petitioner approached the parents of the victim and requested them for marriage with the victim girl. Since they refused the petitioner herein abused them and also criminally intimidated them. Thereafter based on the complaint given by the victim the present case has been registered..



3. The learned counsel for the petitioner would submit that both the petitioner and the victim loved each other and the petitioner herein only requested the parents of the victim for their marriage since they refused a false complaint has been given by the victim. He would also submit that the petitioner is in jail for more than one month. Hence he seeks bail.

4. The learned Government Advocate (Crl.Side) would submit that victim is minor. He would also submit that the petitioner had sexual intercourse with the petitioner and also criminally intimidated the parents of the victim and during investigation it reveals that the petitioner has also blackmailed the victim that he has taken video of the entire occurrence and he will publish in the social media.

5. Perused the records and the 164 Cr.P.C statement of the victim girl.

6. From the material available it is seen that the victim girl was in love with the petitioner and the petitioner herein also proposed to marry her and approached her parents for marriage. Since they refused the petitioner herein abused them and also criminally intimidated them and also blackmailed the victim that he will post the obscene videos in the social media.

7. Taking note of the above facts and circumstances of the case and also considering the fact that both the petitioner and victim girl was in love and the petitioner proposed for the marriage and also the fact that the respondent police has not so far recovered any incriminating material from the petitioner, and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8. 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 Special Court for exclusive trial of cases under the POCSO Act, Virudhunagar 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 with the police for enquiry and directed to produce his cell phone to the respondent police.

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/-

06/08/2020

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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 JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER THE POCSO ACT, VIRUDHUNAGAR DISTRICT.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAJAPALAYAM VIRUDHUNAGAR

3 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MALAIKANI, Advocate (SR-5921[I] dated 07/08/2020)

ORDER

IN

CRL OP(MD) No.8130 of 2020

Date :06/08/2020

AAV

<https://hcmjce.org.in/Services/3P/6C>