



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8479 of 2020

Venkatesh

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thiruvenkadam Police Station,
Tirunelveli District.
Crime No.167 of 2020

... Respondent/Complainant

For Petitioner : M/s.R.Senthilkumar,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.167 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 10.07.2020 for the alleged offences under Sections 366, 376 of IPC and Sections 5(1),6 of the Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution is that the petitioner herein kidnapped the minor victim girl and had sexual intercourse with her. Initially crime was registered under the caption ' Girl Missing' later it was altered to Sections 366, 376 of IPC and Sections 5(1), 6 of the Protection of Children from Sexual Offences Act, 2012

3. The learned counsel for the petitioner would submit that both the victim and the petitioner loved each other and the victim on her own left the parental home and went with the petitioner. He would submit that the petitioner is in jail for nearly 40 days, hence he may be granted bail.



4. The learned Additional Public Prosecutor would submit that petitioner herein kidnapped the minor victim girl and had sexual intercourse with her and now the victim was rescued.

5. From the perusal of the record including the statement recorded under Section 161(3) of Cr.P.C it is seen that both the petitioner and the victim loved each other the victim on her own left the parental home and got married with the petitioner and stayed in the friend's house and had sexual intercourse. Now the victim was also secured. Investigation is almost completed.

6. Taking note of the above facts and circumstances of the case 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, Special Court for POSCO Act Cases, Tirunelveli.

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 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 SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES, TIRUNELVELI.
 - 2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
 - 3 THE INSPECTOR OF POLICE,
THIRUVENKADAM POLICE STATION, TIRUNELVELI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8479 of 2020
Date :25/08/2020

MS/VR/SAR-3/25.08.2020/3P.5C