



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

Date : 15/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11389 of 2020

Balan

... Petitioner/Accused No.4

Vs

The State rep.by
The Inspector of Police,
All Woman Police Station,
Nagercoil.
Crime No.27/2020

... Respondent/Complainant

For Petitioner : Mr.A.Balakrishnan,
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.27 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 07.09.2020 for the offences punishable under Sections 366 of IPC @ 5(1),6 and 17 of POCSO Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that the first accused fell in love with the victim girl aged about 15 years and thereafter they eloped and had physical relationship. For their elopement the petitioner herein along with other accused persons said to have helped them. Hence the complaint.

3.The learned counsel for the petitioner would submit that even as per the prosecution the petitioner herein being the friend of A1 only helped the first accused and the victim to elope from their house and he has nothing to do with the alleged crime.



4. The learned Government Advocate(Crl.Side) would submit that there are totally four accused in this case and the petitioner herein is arrayed as A4. The first accused with the help of other accused eloped with the victim girl, aged about 15 years and the petitioner herein arranged house for their stay in which the first accused had committed sexual assault on the victim girl. He would also submit that A4 in this case was granted bail by this Court on 07.10.2020 in Crl.O.P(MD) No. 10910 of 2020.

5. It is seen that there are four accused in this case and the petitioner herein is arrayed as A4. Insofar as this petitioner is concerned he only arranged house for the first accused and the victim, wherein the first accused had physical relationship with the minor victim girl. It is also stated that A4 in this case was granted bail by this Court on 07.10.2020 in Crl.O.P(MD) No. 10910 of 2020.

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.10,000/- (Rupees Ten Thousand only) with two sureties, out of which one shall be a blood related surety each for a like sum to the satisfaction of the Special Court for exclusive trial of cases under POCSO Act, Kanyakumari at Nagercoil.

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 for a period of four weeks and thereafter 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/-
15/10/2020

/ TRUE COPY /

WEB COPY

/ /2020

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 SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT,
KANYAKUMARI AT NAGERCOIL.
- 2.THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
NAGERCOIL.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11389 of 2020
Date :15/10/2020

AAV
TK/VR/SAR.2/15.10.2020/3P/5C