



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

Date : 20/11/2020

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PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.12079 of 2020

M.Thanesh ... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
Crime No.34/2020.

... Respondent/Complainant

For Petitioner : Mr.M.Ashok Padma Raj,
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.34 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 08.09.2020 for the offences punishable under Section 366 IPC and Sections 3A, 4, 17 POSCO Act, in Crime No.34 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner fell in love with the minor victim girl, namely, S.Abisha and both of them eloped. Thereafter, the mother of the victim girl, lodged a complaint before the respondent police, stating that her minor daughter was kidnapped by somebody on 17.08.2020.

3.The learned counsel appearing for the petitioner states that the petitioner is an innocent person and he has been falsely implicated in this case.



4.The learned Government Advocate (Crl. Side) states that the petitioner and the minor victim girl loved each other and the investigations are still in progress.

5.The petitioner was arrested on 08.09.2020 and even as per the 164 Cr.P.C., statement, there is a love affair between the petitioner and the victim girl. However, the victim girl is a minor. But the minor girl admitted the love affair and this being the factum, the petitioner is entitled to be released on bail.

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 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 is directed to appear before the respondent police daily at 10.00 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/-
20/11/2020

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/ /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.

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TO

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

ORDER
IN
CRL OP(MD) No.12079 of 2020
Date :20/11/2020

SJI
TK/PN/SAR.4/20.11.2020/3P/5C