



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/12/2020

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PRESENT

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

CRL OP(MD). No.14390 of 2020

1. Vanaja
2. Thangaraj ... Petitioners/Accused 4 & 5

Vs

State Rep. by
The Inspector of Police,
All Women Police Station,
Colachel, Kanyakumari District.
Crime No. 21/2020. ... Respondent/Complainant

For Petitioners : M/s.A.S.Vaigunth,
Advocate.
For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

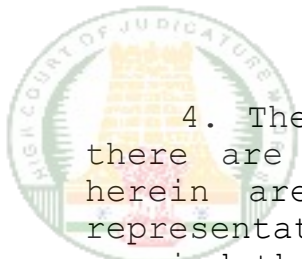
PRAYER :- For Bail in Crime No.21 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A4 and A5 , who were arrested and remanded to judicial custody on 20.11.2020 for the offences punishable under Sections 366 IPC @ 366(A) r/w.5(1),6 and 17 of POCSO Act on the file of the respondent police seek bail.

2.The case of the prosecution is that the victim girl aged about 17 years was kidnapped by the first accused and others and thereafter the first accused got married the victim and the first accused also sexually assaulted the victim girl aged about 17 years. Hence the compliant.

3.The learned counsel for the petitioners would submit that the petitioners herein are arrayed as A4 and A5 and they have only provided shelter to the first accused and the victim girl. He further submitted that the first accused was arrested and released on bail.



4. The learned Government Advocate(Crl.Side) would submit that there are totally nine accused in this case and the petitioners herein are arrayed as A4 and A5. The first accused on false representation had taken the minor victim to other place and got married the victim and thereafter he had physical relationship. On the complaint lodged by the defacto complainant the victim has now been secured and with her parents. He also produced the statement recorded under 164 Cr.P.C of the victim, wherein the victim has clearly stated that the petitioners herein have only given shelter to them and she is now with her parents.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and the fact that the petitioners have given shelter to the victim and the first accused, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two blood 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 petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT,
KANYAKUMARI AT NAGERCOIL.
 - 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
COLACHEL, KANYAKUMARI DISTRICT.
 - 3 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGERCOIL.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14390 of 2020
Date : 09/12/2020

AAV
JM/PN/SAR II/09.12.2020/3P/5C