



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.6577 of 2021

Muniyappan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Mathikonpalayam Police Station,
Dharmapuri.
(Crime No.37 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail pending investigation in Crime No.37 of 2021 on the file of Inspector of Police, Mathikonpalayam Police Station, Dharmapuri.

For Petitioner : Mr.K.Gangadaran

For Respondent : Ms.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 23.01.2021 for the offence under Sections 363 of IPC @ 366 of IPC and Sections 7, 8 of POCSO Act, 2012 in Cr.No.37 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the defacto complainant lodged a complaint against the petitioner that her daughter went out of their house with this petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. The learned counsel, further filed an affidavit of undertaking dated 15.04.2021 filed by the petitioner's mother, wherein it is stated as follows:

"2.I submit that, the respondent police filed a case against the petitioner on the allegation that he has committed offence punishable under Section 363 of I.P.C. @ 366 of I.P.C. and



WEB COPY

Section 7, 8 of POCSO Act 2012. The petitioner was arrested on 23.01.2021 and was remanded to judicial custody on the same day. He is judicial custody for the past 87 days at District Jail at Dharmapuri.

3.I submit that, the case of the prosecution is that on 22.01.2021, one Mrs.Vennila, W/o, Saravanan gave Complaint stating that, her Daughter namely Mrs.Santhiya went out with this petitioner to find-out against this petitioner and along with his Parents and hence the prosecution was launched. Thereafter she had lodged the complaint with respondent police.

4.I submit that the petitioner and victim girl are related to each other and two month prior to the occurrence, the petitioner's parents approached for alliance for the petitioner with Victim girl and that time her parents insulted those using disgraceful words. The Victim girl went out of the house to her relatives' House on her own accord and on account of prior enmity on the above score, false complaint has been preferred against the petitioner.

5.I submit that, however, Myself and my Elder Son are unconditionally undertake to married to my Son namely Muniyappan i.e. the 1st Accused in Crime No.37 of 2021 the Defacto Complainant Daughter namely Mrs.Santhiya. I further submit that, this Hon'ble Court may be pleased to record my undertaking affidavit to enlarge the petitioner on bail completed investigation in Crime No.37 of 2021 On the file of Inspector of Police, Mathikonpalayam Police Station, Dharmapuri."

4.Heard the submissions made by the learned Additional Public Prosecutor.

5.Considering the affidavit of undertaking filed by the petitioner's mother, I am inclined to grant bail to the petitioner.

6.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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Fast Track Mahila Court, Dharmapuri and on further condition that:



(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

19/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE FAST TRACK MAHILA COURT
DHARMAPURI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
MATHIKONPALAYAM POLICE STATION,
DHARMAPURI.

4 THE OFFICER INCHARGE
DISTRICT JAIL, DHARMAPURI.

CC to M/S.K.GANGADARAN Advocate on payment of necessary charges

CRL OP.6577/2021

Date :19/04/2021