



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

Date : 21/01/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.203 of 2021

Palanisamy(Jameen)

... Petitioner/Accused No.4

Vs

State Rep. by
The Inspector of Police,
Vaiyampatti Police Station,
Crime No.778/2020,
Now Investigation Officer,
Inspector of Police,
All Women Police Station,
Manapparai, Trichy District.

... Respondent/Complainant

For Petitioner : Mr.Subash Babu.M,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

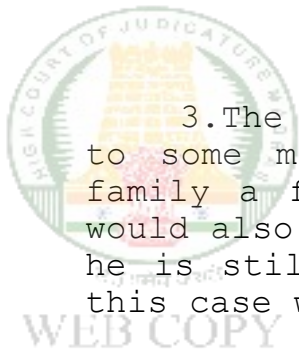
PRAYER :- For Bail in Crime No. 778/2020 on the file of the
respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial
custody on 19.11.2020 for the offences punishable under Sections 366
of IPC r/w. 7,8,16 and 17 of POCSO Act, on the file of the
respondent police, seek bail.

2.The case of the prosecution is that all the accused persons
kidnapped the minor victim girl aged about 15 years on 07.08.2020 on
false information that her mother called her. Thereafter she was
confined in a room and she was compelled to wear new dress in order
to get marriage with the petitioner herein. She was compelled to
put new dress and when the petitioner herein tied thali all the
other accused persons helped him for tying thali and had taken
photos. On the complaint she was produced before the police and
remanded to police station.

<https://hcservicescourts.gov.in/hcservices>



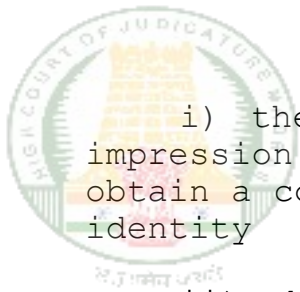
3.The learned counsel for the petitioner would submit that due to some mis understanding between the petitioner and the victim family a false case has been foisted against the petitioner. He would also submit that the petitioner was arrested on 19.11.2020 and he is still in custody. He would also submit that A2 and A3 in this case were granted bail by this Court, hence he seeks bail.

4.The learned Government Advocate(Crl.Side) would submit that there are four accused in this case and the petitioner herein is arrayed as A4. The fourth accused is aged about 57 years . All the accused in this case kidnapped the minor victim girl to get marriage with the fourth accused namely Palanichamy who was already a married man and gave birth to four children. Only to fulfil some formalities as per horoscope minor victim girl was kidnapped by the accused persons and kept in their room. Thereafter she was compelled to wear new dress and tied thali by the fourth accused and all the accused persons has also taken photos of the said occurrence. The petitioner has committed a very serious and heinous offence against the minor victim girl. Initially the First Information Report was registered under Section 4 of TNPHW Act and later as per the order of this Court the offences has been altered to 366 of IPC r/w. 7,8,16 and 17 of POCSO Act, hence he opposed to grant bail to the petitioner.

5.It is seen that there are totally four accused in this case and the petitioner herein are arrayed as A4. The fourth accused is aged about 57 years . All the accused in this case kidnapped the minor victim girl to get marriage with the fourth accused namely Palanichamy who was already a married man and gave birth to four children. Only to fulfill some formalities as per horoscope minor victim girl was kidnapped by the accused persons and kept in their room. Thereafter she was compelled to wear new dress and tied thali by the fourth accused and all the accused persons has also taken photos of the said occurrence. From the perusal of the 164 Cr.P.C statement it reveals that all the accused persons have compelled her to get thali from the fourth accused and there is no sexual harassment of assault by the petitioner herein and thereafter all the accused persons threatened the minor victim girl not to disclose the fact to any body.

6.Taking note of the above facts and circumstances of the case also taking into consideration the period of incarceration and also taking note of the fact that co-accused in this case were granted bail by this Court, 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 learned Sessions Judge, Mahila Court, Trichy.



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 stay at Madurai and report before the Tallakulam Police Station, Madurai, 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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
21/01/2021

/ TRUE COPY /

/ /2021
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 SESSIONS JUDGE,
MAHILA COURT, TRICHY.

2 THE INSPECTOR OF POLICE
VAIYAMPATTI POLICE STATION,
TRICHY.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADURAI DISTRICT.

<https://hcservmadrashighcourt.org/https://hcservmadrashighcourt.org/>



4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION, MADURAI.

+1 CC to M/s.M.SUBHSH BABU, Advocate (SR-371[I] dated 21/01/2021)

ORDER

IN

CRL OP(MD) No.203 of 2021

Date :21/01/2021

AAV

JM/PN/SAR III/21.01.2021/4P/8C