



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.360 of 2021

Guru Prasath @ Guru

... Petitioner/Accused No.3

Vs

State Rep. by
The Inspector of Police,
All Women Police Station,
Nagercoil.
(Crime No.50/2020).

... Respondent/Complainant

For Petitioner : M/s.A.Balakrishnan,
Advocate.

For Respondent : Mr.Om Chairma Prabhu,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.50 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 12.12.2020 for the offences punishable under Section 366 of IPC and Sections 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 A-2 had eloped with the victim girl and this petitioner, who is the friend of A-2 had helped him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that A-1 and A-2 were already granted bail by the Sessions Court in CrI.M.P.Nos.554 and 608 of 2020, dated 14.12.2020 and 31.12.2020 respectively. He would further submit that the petitioner is in judicial custody from 12.12.2020, hence he



4.The learned Additional Public Prosecutor would submit that A-2 had eloped with the victim girl and this petitioner who is the friend of A-2 had also helped him. He would further submit that no previous case is pending against the petitioner.

5.Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also the fact that the co-accused were already granted bail by the Sessions court and no previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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 each for a like sum to the satisfaction of the Special Court for Exclusive Trial of Cases 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 until further orders.

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/-

11/01/2021

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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



TO

1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES POCSO ACT,
KANNIYAKUMAR AT NAGERCOIL.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, NAGERCOIL.

3 THE OFFICER INCHARGE,
DISTRICT SUB JAIL, NAGERCOIL.

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

ORDER
IN
CRL OP(MD) No.360 of 2021
Date :11/01/2021

sj i
JM/VR/SAR II/11.01.2021/3P/5C