



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

Date : 21/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.788 of 2021

Sudhakar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Thiruppanandal Police Station,
Thanjavur District.
Crime No.1166 of 2020

... Respondent/Complainant

For Petitioner : Mr.G.Thalaimutharasu, 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.1166 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 19.10.2020 for the offences punishable under Sections 366(A) of IPC r/w.Sections 6,5(1) of POCSO Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner herein abducted the minor victim girl aged about 15 years and on the pretext of false marriage and committed rape on her.

3.The learned counsel for the petitioner would submit that the victim girl fell in love with the victim girl and thereafter had physical relationship with her. Since their love affair was objected by the parents a false case has been foisted against the petitioner. He would also submit that the petitioner is in jail for more than 90 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that this is the second bail petition and the earlier petition was dismissed by this Court on 08.12.2020. He would also submit that the



petitioner is in jail for more than 90 days and investigation is yet to be completed and the final report has not been filed so far.

5. It is seen that the petitioner is a sole accused and the minor victim girl is aged about 15 years and on the pretext of false marriage had raped the minor victim girl. It is also seen from the statement recorded under Section 164 of Cr.P.C that the victim girl never fell in love with the petitioner. It is further seen that the petitioner is in jail for more than 90 days and final report has not been filed so far.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the final report has not been filed before the concerned 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 sureties each for a like sum to the satisfaction of the Mahila Court, Thanjavur

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 for a period of two 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/-
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.

WEB COPY

TO

- 1.THE JUDGE, MAHILA COURT,
THANJAVUR.
- 2.THE INSPECTOR OF POLICE,
THIRUPPANANDAL POLICE STATION,
THANJAVUR DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.788 of 2021
Date :21/01/2021

AAV
TK/VR/SAR.3/21.01.2021/3P/5C