



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

Date : 23/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) Nos.1935 and 2323 of 2021

Manikandan	... Petitioner/1 st Accused IN CRL OP(MD) No.1935 of 2021
Karthick	... Petitioner/2 nd Accused IN CRL OP(MD)No.2323 of 2021

Vs

The State rep.by
The Inspector of Police,
Bodi Taluk Police Station,
Bodi.
Crime No.4 of 2021.

... Respondent/Complainant
in Both petitions

For Petitioner : M/s.M.Jerin Mathew, Advocate.
IN CRL OP(MD) No.1935 of 2021

For Petitioner : Mr.V.Nirmal Kumar, Advocate.
IN CRL OP(MD)No.2323 of 2021

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)
in Both Petitions

PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.
COMMON PRAYER :-

For a Bail in Crime No.4 of 2021 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody on 07.01.2021 for the offences punishable under Sections 5(j)(ii),6,9(i) and 10 of POCSO Act on the file of the respondent police seek bail.

2.The case of the prosecution is that the minor deceased had delivered a baby due to the physical intercourse with unknown person and thereafter she died on 02.01.2021. Hence the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are arrayed as A1 and A2. He would also submit that they are innocent and they have been falsely implicated in this case. He would also submit that the petitioners are responsible for the pregnancy and now the blood samples of the petitioners were taken for DNA test. He would also submit that the petitioners are in judicial custody from 07.01.2020 hence they may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that both the petitioners herein on false promise of marrying the victim had sexual intercourse and thereafter refused to marry the victim, due to which she became pregnant. The grand mother and the grand father of the victim admitted the victim in the government hospital and after giving birth to a child the victim died on 02.01.2021 and now the blood samples of the petitioners were taken for DNA test and sent for analysis. Hence he strongly opposed to grant bail to 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 taking note of the fact that blood samples of both the accused were collected and sent of DNA test, 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 sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram. (Fast Track Mahila Court, Theni)

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 am., until further orders.

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 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/-
23/02/2021

/ TRUE COPY /

WEB 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,
MAHALIR NEETHIMANDRAM,
(FAST TRACK MAHILA COURT), THENI.
- 2.THE INSPECTOR OF POLICE,
BODI TALUK POLICE STATION, BODI.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4.THE OFFICER INCHARGE,
THEKKAMPATTI JAIL, THENI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to Mr.M.JERIN METHEW Advocate SR.No.1355
+1. C.C. to Mr.V.NIRMAL KUMAR Advocate SR.No.1356

ORDER IN
CRL OP(MD) Nos.1935 and
2323 of 2021
Date :23/02/2021

AAV
TK/VR/SAR.3/23.02.2021/3P/8C