



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

Date : 10/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2030 of 2021

Ranjithkumar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Thirumayam
Pudukottai District.
Crime No. 453/2020.

... Respondent/Complainant

For Petitioner : M/S.C.R.Ponnuthai,
Advocate.

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

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

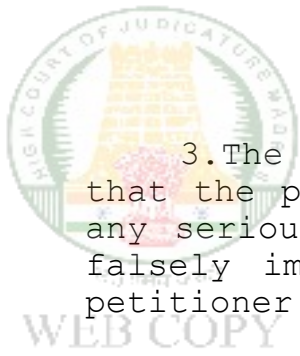
PRAYER :-

For Bail in Cr.No.453 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, sole accused herein was arrested and remanded to judicial custody on 30.10.2020 for the alleged offence under Sections 366(A) and 354(A) of IPC and Section 5(m) and 5(1) r/w Section 9 of Prohibition of Child Marriage Act and Section 5(1) and 6 of POCSO Act, 2012, in Crime No.453 of 2020, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the mother of the victim girl, who is aged about 15 years old. Initially the complaint was registered under Girl missing, subsequently, it was found that the petitioner and the victim girl loved each other and the victim girl has voluntarily went to the petitioner. Based on the complaint given by the mother of the victim, the present case has been registered.



3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any serious offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is in jail for nearly 90 days, hence he seeks bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police submitted that the petitioner kidnapped the minor victim girl, who is aged about 15 years and got married without her consent and also had sexual relationship with her.

5.On perusal of the records including 164 Cr.P.C statement of the victim girl, it is seen that the victim girl voluntarily joined the petitioner and they had gone to various place together and there, they had physical relationship. When the parents of the petitioner and the victim girl were taken to the police Station and the same was informed to the victim girl, the petitioner and the victim girl had surrendered before the Peelamedu Police Station, Coimbatore and they were produced before the respondent Police. It is also seen that in the investigation the victim girl was pressurised by one Tamilarasi to depose against the petitioner.

6.Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, 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 Mahila Court, Pudukkottai.

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

<https://hccourts.courts.gov.in/Kse6/has> ji 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/-
10/02/2021

/ 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 JUDGE, MAHILA COURT,
PUDUKKOTTAI.
- 2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUMAYAM PUDUKOTTAI DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, PUDUKKOTTAI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.R.PONNUTHAI, Advocate (SR-846[I] dated 10/02/2021)

ORDER
IN
CRL OP(MD) No.2030 of 2021
Date :10/02/2021

VSG
TK/PN/SAR.2/10.02.2021/3P/6C