



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

Date : 17/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2523 of 2021

Lakshmanan

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Panayapatti Police Station,
Pudukkottai District.
Crime No.334 of 2020.

... Respondent/Complainant

For Petitioner : Mr.R.Senthil Kumar,
Advocate.

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

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

PRAYER :- For Bail in Cr.No.334 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 20.01.2021 for the offences punishable under Sections 363 of IPC @ 5(1),6 and 19 of POCSO Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that the minor victim girl aged about 17 years was kidnapped by the accused persons and married to one Adaikalam. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that except the petitioner present at the time of marriage no other allegation has been levelled against him.

4. The learned Government Advocate(Crl.Side) would submit that there are totally three accused in this case and the petitioner is not involved as A3. He would also submit that the petitioner



herein along with others kidnapped the minor victim girl aged about 17 years by the accused persons and married to one Adaikalam. He would further submit that A1 and A2 in this case were arrested by the respondent police.

5. From the perusal of the 164 Cr.P.C statement of the victim and her mother it is seen that there is no mention about the petitioner. One Palaniyayee, the sister of Adaikalam had participated in the marriage of Adaikalam with the victim girl who is said to have sexually assaulted the victim girl. The petitioner was only present during the marriage of the minor victim girl with the said Adaikalam and except this there is no other allegation 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 learned Sessions Judge, Mahila Court, Pudukottai.

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/-

17/02/2021

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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 concerned.

TO

1. THE SESSIONS JUDGE,
MAHILA COURT, PUDUKOTTAI.
2. THE OFFICER INCHARGE,
DISTRICT JAIL CUM BORSTAL SCHOOL,
PUDUKKOTTAI.
3. THE INSPECTOR OF POLICE,
PANAYAPATTI POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.R.SENTHIL KUMAR, Advocate (SR-1095[I] dated 17/02/2021)

ORDER

IN

CRL OP(MD) No.2523 of 2021

Date :17/02/2021

AAV

MS/PN/SAR-3/17.02.2021/3P.6C