



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

Date : 02/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3232 of 2021

Renganathan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Musiri All Women Police Station,
Musiri, Trichy District.
Crime No.4 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj,
Advocate.

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

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

PRAYER :-

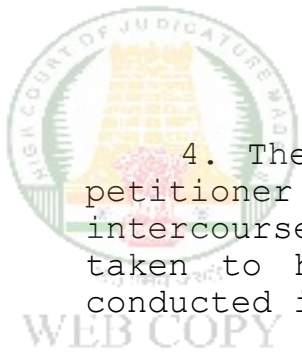
For Bail in Crime No. 4 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 30.01.2021 for the offences punishable under Sections 5(j)(ii), 5(1), 5(n) and 6(1) of POCSO Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner on false promise of marrying the victim had sexual intercourse due to which she became pregnant. Hence the complaint.

3.The learned counsel for the petitioner would submit that both the victim and petitioner are close relative and they loved each other. He would also submit that the petitioner is now ready to marry the victim after she attains majority.



4. The learned Government Advocate(Crl.Side) would submit that petitioner on false promise of marrying the victim had sexual intercourse due to which she became pregnant and thereafter she was taken to hospital and due to her health condition operation was conducted in which the still born baby died.

5. It is seen that the petitioner and the victim were in love with each other and they are close relatives and they had physical relationship regularly, due to which she also got conceived and she was taken to hospital. Since her health condition was bad immediately operation was conducted in which still born baby died. Thereafter the hospital authorities had informed the same to the respondent police, who had registered the complaint. Both the petitioner family and the victim family are close relatives and still now the victim girl is adamant to continue her relationship with the petitioner and now the both the families agreed to conduct marriage between the petitioner and the victim after she attains majority.

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, Trichy

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/-
02/03/2021

/ 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,TRICHY.
- 2.The Inspector of Police,
MUSIRI ALL WOMEN POLICE STATION,
MUSIRI, TRICHY DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.K.ARUN RAJ, Advocate (SR-1658[I] dated 02/03/2021)

ORDER
IN
CRL OP(MD) No.3232 of 2021
Date :02/03/2021

AAV
TK/PN/SAR.4/02.03.2021/3P/6C