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

Date : 18/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3711 of 2021

Sonaikaruppaiah

... Petitioner/5th Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
Crime No.14/2020.

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 14/2020 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 14.02.2021 for the offences punishable under Sections 376 (2) (c), (k) (n), 417, 312, 294(b), 506(i), 201, 313 of IPC and Section 4 of TNPHW Act and Sections 5(1), 6 of POCSO Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that the first petitioner on false promise of marrying the victim love had sexual intercourse with her several times and thereafter refused to marry her. Hence the complaint.



3.The learned counsel for the petitioner would submit that the main allegations are against A1 only and the petitioner herein has given only shelter to A2 and except this no other allegations has been levelled against the petitioner. He would also submit that the petitioner has been implicated as accused based on the confession given by the other accused. He would also submit that the petitioner is aged about 45 years and he is in jail for more than 30 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that there are totally six accused in this case and the petitioner herein is arrayed as A5. He would also submit A1 in this case is a police constable who on false promise of marrying the victim love had sexual intercourse with her several times and thereafter refused to marry her and now he is under suspension.

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 the main allegations are against A1 and petitioner herein has only given shelter to A2, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.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 Special Court for POCSO Act Cases, Virudhunagar District at Srivilliputhur.

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/-
18/03/2021

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/ /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 SPECIAL COURT FOR POCSO ACT CASES,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.

3.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-2272[I] dated 18/03/2021)

ORDER
IN
CRL OP(MD) No.3711 of 2021
Date :18/03/2021

AAV
TK/PN/SAR.4/18.03.2021/3P/6C