



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4178 of 2021

R.Subramanian

... Petitioner/Accused

Vs

The State rep.by,
The Inspector of Police,
S.V.Karai Police Station,
Tenkasi District
Crime No.45/2021.

... Respondent/Complainant

For Petitioner : M/s.Karthick.R.J,
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. 45 of 2021 on the file of the respondent Police.

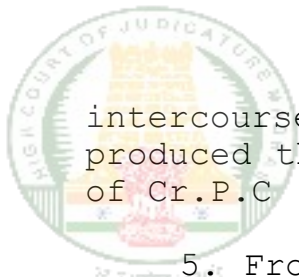
ORDER : The Court made the following order :-

The petitioner/ accused, who was arrested and remanded to judicial custody on 31.01.2021 for the offences punishable under Sections 366,376 of IPC and Sections 5(1) r/w. Section 6 of POCSO Act, 2012 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 girl had sexual intercourse with her and thereafter refused to marry her. Hence the complaint.

3.The learned counsel for the petitioner would submit that both the petitioner and the victim loved each other. He would also submit that the victim girl on her own volition left her parental home and went with the petitioner. He would also submit that the petitioner is in jail for more than 30 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner on false promise of marrying the victim girl had sexual intercourse with her and thereafter refused to marry her. Hence the complaint.



intercourse with her and thereafter refused to marry her. He also produced the statement of the victim recorded under Section 164(3) of Cr.P.C .

5. From the perusal of the statement recorded under Section 164 (3) of Cr.P.C it is seen that both the petitioner and the victim loved each other when the victim had disclosed her love affair to her parents they refused and objected for their love. Inview of the same, the victim on her own left her parental home and went with the petitioner and now both the families accepted the love affair and agreed for marriage after the victim 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 learned Judicial Magistrate, Shengottai.

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 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

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



AAV

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 JUDICIAL MAGISTRATE,
SHENGOTTAI.
 - 2 THE INSPECTOR OF POLICE
S.V.KARAI POLICE STATION, TENKASI DISTRICT
 - 3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 - 4 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR/R.J.KARTHICK, Advocate SR.No.2275

ORDER
IN
CRL OP(MD) No.4178 of 2021
Date :18/03/2021

NR/PN/SAR-IV(18.03.2021) 3P:7C