



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

Date : 22/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR
CRL OP(MD). No.4365 of 2021

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Pandi

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Tirupparankundram, Madurai District.
Crime. No. 2/2021..

... Respondent/Complainant

For Petitioner : M/s.Pethu Rajesh.P.,
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. 2/2021 on the file of the respondent
Police

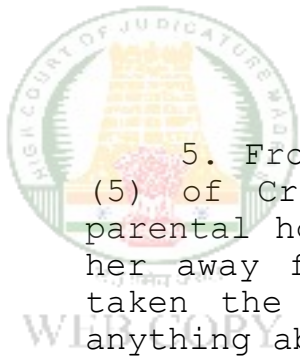
ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 29.01.2021 for the offences punishable under Sections 5 (1),6,16 and 17 of POCSO Act, 2012 on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner on the false promise of marrying the victim girl had kidnapped her and had sexual intercourse with her. 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 also submit only the victim threatened and compelled the petitioner to take her away from her house. He would also submit that the petitioner is in jail from 29.01.2021, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that petitioner on the false promise of marrying the victim girl had kidnapped her and had sexual intercourse with her. He also produced the statement of the victim recorded under Section 164(5) of



5. From the perusal of the statement recorded under Section 164 (5) of Cr.P.C it is seen that the victim on her own left the parental home and threatened and compelled the petitioner to take her away from her house and on her compulsion the petitioner had taken the victim to her sister's house. Further she has stated anything about the sexual harassment.

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, Special Court for exclusive trial of cases under POCSO Act, Madurai.

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/-
22/03/2021

/ TRUE 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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT,
MADURAI.
 - 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TIRUPPRANKUNDRAM, MADURAI DSIT,
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.P.PETHU RAJESH, Advocate SR.No.2333

ORDER
IN
CRL OP(MD) No.4365 of 2021
Date :22/03/2021

NR/VR/SAR-III(22.03.2021) 3P:6C