



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

Date : 29/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4758 of 2021

Vimal

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Nainar Kovil Police Station,
Ramnad District.
Crime No.60/2021.

... Respondent/Complainant

For Petitioner : Mr.D.Senthil,
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. 60 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 16.03.2021 for the offences punishable under Sections 5(1) and 6 of POCSO Act and Section 366 of IPC and Section 9,10 of Child Marriage Act 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 and the victim loved each other and the victim on her own left the parental home and went with the petitioner. He would also submit that the petitioner is in jail from 16.03.2021, hence he seeks bail.



4. The learned Government Advocate(Crl.Side) would submit that the petitioner on 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 161(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 and the victim on her own left the parental home and went with the petitioner. Further the victim girl is now secured and now the parents of the victim and the petitioner are ready to perform the marriage of the petitioner with the victim after they attain 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 Sessions Judge, Fast Track Mahila Court, Ramanathapuram.

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/-
29/03/2021

/ 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.

WEB COPY

TO

1.THE SESSIONS JUDGE,
(FAST TRACK MAHILA COURT), RAMANATHAPURAM.

2.THE INSPECTOR OF POLICE,
NAINAR KOVIL POLICE STATION,
RAMNAD DISTRICT.

3.THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.

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

+1 CC to Mr.D.SENTHIL, Advocate (SR-2637[I] dated 29/03/2021)

ORDER
IN
CRL OP(MD) No.4758 of 2021
Date :29/03/2021

AAV
TK/VR/SAR.1/29.03.2021/3P/6C