



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

Date : 07/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5065 of 2021

Santhanaprakash

... Petitioner/Accused No.6

Vs

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

... Respondent/Complainant

For Petitioner : Mr.M.Jothi Basu,
Advocate.

For Respondent : Mr.KR.Bharathikannan,
Government Advocate (Crl.Side)

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

PRAYER :-

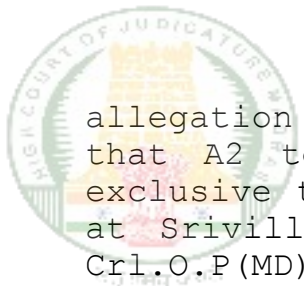
For Bail in Crime No.14 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A6, who was arrested on 14.02.2021 for the offence punishable under Section 376(2)(c), (k) (n), 417, 312, 294(b), 506(i), 201, 313 of IPC and Section 4 of TNPHW Act and Sections 5(l) r/w 6 of POCSO Act, 2012 in Crime No.14 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the first accused on false promise of marrying the victim 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 petitioner being the friend of A1, has been implicated in this case. He would further submit that the allegation levelled against the petitioner is that he had purchased some medicines and given to the victim through A1 for aborting the foetus. Except this no other



allegation has been levelled against him. He would further submit that A2 to A4 were released on bail by the Special Court for exclusive trial of cases under the POCSO Act, Virudhunagar District at Srivilliputhur and A5 was released on bail by this Court in Crl.O.P(MD) No.3711 of 2021 on 18.03.2021.

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4. The learned Government Advocate(Crl.Side) would submit that there are totally six accused in this case and the petitioner herein is A6. The allegation against the petitioner is that he being the friend of A1 had purchased some medicines and given to the victim through A1 for aborting the foetus. He would also submit that investigation in this case is almost completed and the final report has been filed before the concerned Court and the same is yet to be taken cognizance.

5. Taking into consideration the facts and circumstances of the case, the limited role alleged to have been played by the petitioner and also taking note of the fact that the final report has been filed before the concerned Court, the fact that all the co-accused except A1 were released on bail and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner.

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 and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 am., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/04/2021

/ 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 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.G.M.LAW OFFICE, Advocate (SR-2935[I] dated 07/04/2021)

ORDER
IN
CRL OP(MD) No.5065 of 2021
Date :07/04/2021

AAV
TK/VR/SAR.1/07.04.2021/3P/6C