



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5387 of 2021

Ponnusamy

... Petitioner/Accused

Vs

State Rep by
The Inspector of Police,
State Rep. by Inspector of Police,
Kayathar Police Station
Thoothukudi District.
(Crime No.162/2021)

... Respondent/Complainant

For Petitioner : Mr.Murugesan.M.,
Advocate.

For Respondent : Mr.Kr.Bharathi Kannan,
Government Advocate, (Crl.Side)

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

PRAYER :-

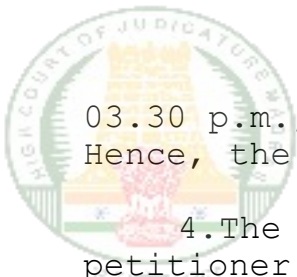
To Bail in Cr.No 162 of 2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 21.03.2021 for the offence punishable under Section 366(A) of IPC and Sections 5(1) r/w 6 of POCSO Act, 2012, in Crime No.162 of 2021 on the file of the respondent police, seeks bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side).

3.The case of the prosecution is that on 19.03.2021 at about
<https://hcservices.ecourts.gov.in/hcservices/>



03.30 p.m., the victim girl's mother found her daughter was missing. Hence, the complaint.

4.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is in judicial custody from 21.03.2021. Hence he may be granted bail.

5.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the medical examination of the victim girl and the petitioner is over.

6.It is seen from the submissions made that the petitioner and the victim girl were in love. The petitioner was aged about 18 years and the victim girl was aged about 16 years at the time of occurrence. Due to love affair, they have eloped and the petitioner had sexual intercourse with the victim girl.

7.Taking note of the fact that the petitioner is in judicial custody from 21.03.2021, this Court is inclined to grant bail to the petitioner.

8.The learned counsel for the petitioner submits that the petitioner was transferred from the District Prison, Peraurani, Thoothukudi District to the Central Prison, Palayamkottai, Tirunelveli District. Therefore, the copy may be addressed to the Central Prison, Palayamkottai, Tirunelveli District.

9.Considering the request made by the learned counsel for the petitioner, this Court directs the Registry to send a copy to the Central Prison, Palayamkottai, Tirunelveli District.

10.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 Exclusively Trial of Cases under POCSO Act, Thoothukudi, and on further conditions that:

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

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

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

[d]the petitioner shall not tamper with evidence or witness
<https://hccourtsonline.gov.in/hccservices>



[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/-
29/04/2021

/ 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 EXCLUSIVELY
TRIAL OF CASES UNDER POCSO ACT,
THOOTHUKUDI.
2. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
3. INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5387 of 2021
Date :29/04/2021

AMS/VR/SAR-4/29/04/2021/3P/5C

<https://hcservices.ecourts.gov.in/hcservices/>