



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

Date : **26/04/2021**

PRESENT

The Hon`ble **Mr.Justice G.CHANDRASEKHARAN**

CRL OP(MD).No.5844 of 2021

A.Alexander ... Petitioner/Accused No.1

Vs

The State Represented by
The Inspector of Police,
Achanputhur Police Station,
Tenkasi District.
Cr.No. 237 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Ramanathan B,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.237 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested on 22.02.2021 for the offence punishable under Sections 366, 376 and 109 of IPC, Sections 6, 5(1) and 17 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9 and 10 of Protection of Child Marriage Act, 2006, in Crime No.237 of 2020 on the file of the respondent police, seeks bail.

2.It is seen from the submissions made that the petitioner and the victim girl were in love and eloped. Subsequently, at the instance of the father of the victim girl, this complaint has been registered.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is in judicial custody from 22.02.2021, hence he may be granted bail.

4.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.

5.Taking into consideration the facts and circumstances of the case, taking into consideration the period of incarceration, considering the nature of the case that this is a case of love affair, taking into consideration the petitioner and the victim girl are said to have eloped and also taking note of the fact that the material part of the investigation is over, 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 learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, and on further conditions 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 cards or Bank pass Book to ensure their identity.

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

[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/-
26/04/2021

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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 SESSIONS JUDGE, SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.
- 2 THE SUPERINTENDENT, CENTRAL JAIL, PALAYAMKOTTAI.
- 3 THE INSPECTOR OF POLICE, ACHANPUTHUR POLICE STATION,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER
IN
CRL OP(MD) No.5844 of 2021
Date :26/04/2021

AM/VR/SAR 3/26.04.2021/3P/5C