



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.5873 of 2021

WEB COPY

Arivalagan,

... Petitioner/Sole Accused

Vs

State Rep by
The Inspector of Police,
Aundipatti Police Station,
Theni District.
Cr.No. 101 of 2021.

... Respondent/Complainant

For Petitioner Mr.C.Susi Kumar,
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.101 of 2021 on the file of the Respondent Police.

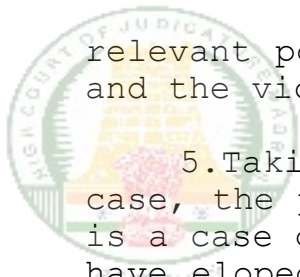
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 25.03.2021 for the offence punishable under Sections 363 of IPC and Section 5(n) r/w 6 of the Protection of Children from Sexual Offences Act, 2012 in Crime No.101 of 2021 on the file of the respondent police, seeks bail.

2.It is seen from the submissions made that the petitioner and the victim girl are relatives and that they were in love. Their love is not accepted by their family members and therefore, both of them eloped. Hence, this case came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is in judicial custody from 25.03.2021, hence he may be granted bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner and the victim girl are relatives and the victim girl was aged 17 ½ years old at the



relevant point of time. Medical examination of both the petitioner and the victim girl is over.

5. Taking into consideration the facts and circumstances of the case, the period of incarceration, the nature of the case that this is a case of love affair, the petitioner and the victim girl said to have eloped and also taking note of the fact that the material part of the investigation in this case 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, Fast Track Mahila Court, Theni, 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

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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,
FAST TRACK MAHILA COURT, THENI.

2 THE OFFICER INCHARGE,
DISTRICT PRISON, THENI (THEKKAMPATTI).

3 THE INSPECTOR OF POLICE,
AUNDIPATTI POLICE STATION,
THENI DISTRICT.

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

ORDER

IN

CRL OP (MD) No.5873 of 2021

Date :26/04/2021

NA/VR/SAR-III(26/04/2021) 3P /5C