



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/04/2021

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PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD).No.6097 of 2021

Mano

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Kadayanallur Police Station,
Tirunelveli District.
Crime No.111/2021.

... Respondent/Complainant

For Petitioner : Mr.Moorthy.S.,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.111 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 and 376 of IPC and Sections 5(1) r/w 6 of POCSO Act, 2012, in Crime No.111 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.It is seen from the submissions made that the petitioner and the victim girl are relatives. The victim girl was found missing from her home on 21.03.2021 at about 04.00 p.m. Hence, the complaint. Due to love affair between the petitioner and the victim girl, they have eloped and the petitioner had sexual intercourse with the victim girl.



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 and that the victim girl voluntarily eloped with the petitioner. Hence he may be granted bail.

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

6.Taking note of the fact that the petitioner is in judicial custody from 21.03.2021 and the medical examination of the petitioner and the victim girl is over, this Court is inclined to grant bail to the petitioner.

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 Special Court for POCSO Act Cases, Tirunelveli (FAC), 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 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/-
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 JUDGE,
SPECIAL COURT FOR POCSO ACT CASE,
TIRUNELVELI (FAC) .
2. THE SUPERINTENDENT,
CENTRAL JAIL,
PALAYAMKOTTAI .
3. THE INSPECTOR OF POLICE,
KADAYANALLUR POLICE STATION,
TIRUNELVELI DISTRICT .
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI .

ORDER
IN
CRL OP(MD) No.6097 of 2021
Date :29/04/2021

SM
SRS/VR/SAR-IV/29.04.2021/3P/5C