



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

Date : 05/05/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.6484 of 2021

WEB COPY

Paulraj

... Petitioner/Accused No.2

Vs

The State by

The Sub- Inspector of Police,

Suthamalli Police Station,

Tirunelveli District,

Cr.No.192/2021.

... Respondent/Complainant

For Petitioner : M/s.Krishnan.S,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Cr.No.192/2021 on the file of the respondent police.

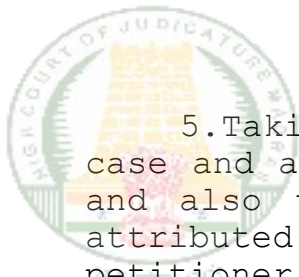
ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 12.04.2021 for the offences punishable under Sections 366(A) of IPC r/w Sections 5(i), 5(ii) and 6 of POCSO Act 2021 and Sections 9, 10 and 11 of Prohibition of Child Marriage act, 2006, in Crime No.192 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that A-1 fell in love with the minor victim girl, who is aged about 17 years and both of them eloped and stayed in the relative's house and got married. Thereafter, the father of the victim girl, lodged a complaint before the respondent police. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the relative of A-1 and a false case has been foisted against him. He would also submit that the petitioner is in jail from 12.04.2021, hence he seeks bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the investigation is pending.



5. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that no specific overt act is attributed against him, this Court is inclined to grant bail to the petitioner.

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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 Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli 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 on the first and third Monday of every Month 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/-
05.05.2021

/ TRUE COPY /

/ /2021

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

SJI/KMM

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 Prison,
Palayamkottai.
3. The Sub- Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.6484 of 2021

Date : 05/05/2021

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