



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/05/2021

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP (MD) No.6589 of 2021

V.Vinothkumar

... Petitioner/Accused

Vs

The State Rep. by
The Inspector of Police,
Anna Nagar Police Station,
Madurai.
Crime No.347/2021.

... Respondent/Complainant

For Petitioner : Mr.S.Vikram
Advocate.

For Respondent : Mr.R.Erottusamy
Government Advocate (Crl.Side)

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

PRAYER :-

For a Bail in Crime No. 347 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is in custody for the past 31 days, for the offences under Sections 366(A) IPC and Section 5(1), 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No.347 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.03.2021 at about 9.00 am, the defacto complainant's second daughter namely Sharmila, aged about 18 years went to type writing class and did not return back and hence the defacto complainant has lodged a complaint and after investigation, the respondent police arrested the petitioner as if the petitioner kidnapped the victim Sharmila and had penetrated sexual assault. Therefore this complaint.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent and no such offence took place as mentioned in the First Information Report. The petitioner and the victim girl are having love affair. He would further submit that the petitioner is aged about 27 years and he is the sole bread winner of his family. It is his further submission that the petitioner has been in judicial custody for the past 31 days.

4. The learned Government Advocate appearing on behalf of the respondent police submits that serious offence has been committed by the accused in this case and he has strongly opposed to grant bail to the petitioner.

5. After hearing the learned counsel for the petitioner as well as the learned Government Advocate (Crl. side), it is seen that this is a case of elopement and the victim girl was aged about 17 years and 6 months at the time of occurrence. The petitioner is in custody for the past one month. It is seen from the statement under Section 164 Cr.P.C that the victim girl wanted to live with the petitioner and there was an objection by her parents. Considering the facts and circumstances of the case and also considering the fact the petitioner is in custody for the past 31 days, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on the following conditions:

i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the learned Sessions Judge, Special Court for trial of cases under POCSO Act, Madurai.

ii) 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.

iii) The petitioner shall appear before the respondent police once in a week i.e on every Monday at 10.30 a.m until further orders.

iv) The petitioner shall not tamper with evidence or witness.

v) the petitioner shall not abscond either during investigation or trial.

vi) 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.R.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



[vii] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

/ TRUE COPY /

sd/-
20/05/2021

/ /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 TRIAL OF CASES UNDER POCSO ACT,
MADURAI.
2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
3. THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6589 of 2021
Date :20/05/2021

VRN/MR
TE/VR/SAR-I : 21/05/2021 : 3P/5C