



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.6761 of 2021

Hyderali

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Avaniyapuram Police Station,
Madurai City.
(Crime No.345 of 2021)

... Respondent/Complainant

For Petitioner : Mr.D.S.Haroon Rasheed,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.345 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is in custody from 23.04.2021 for the offences under Section 366 (A) of I.P.c. altered to Section 366(A) of IPC read with Sections 5(1) and 6 of the POCSO Act in Crime No.345 of 2021 on the file of the respondent police. He seeks bail.

2. The case of the prosecution is that the victim girl had love affair with the petitioner. Due to which, wordy quarrel arose between the petitioner and the defacto complainant. Subsequently, the petitioner kidnapped the victim girl. Hence, the said case has been registered against the petitioner.

3.The learned counsel for the petitioner would submit that it is a case of love affair and the victim girl voluntarily left her home and went to the petitioner's house. Due to the previous enmity, the petitioner has been falsely implicated in this case. Hence, he seeks bail for the petitioner.



4. The learned Additional Public Prosecutor would submit that the petitioner and the victim girl were in love with each other and during the course of recording 164 Cr.P.C. Statement, the victim girl herself confessed that she was in love with the petitioner for the past one and half years.

5. Considering the confession statement of the victim girl and considering the period of incarceration of the petitioner, 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.K.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.

sd/-
20/05/2021

/ 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.

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- 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,
AVANIYAPURAM POLICE STATION, MADURAI CITY.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6761 of 2021
Date :20/05/2021

MBI/CP
AE/VR/SAR-I/21.05.2021/3P/5C