



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/05/2021

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PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.6824 of 2021

W.Refun Libho

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District,
Crime No.26/2021.

... Respondent/Complainant

For Petitioner : Mr.P.T.Ramesh Raja,
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.26/2021 on the file of the respondent police.

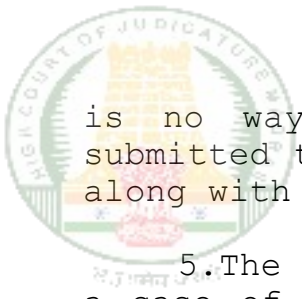
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is the sole accused. He was arrested and remanded to Judicial Custody on 30.03.2021 for the offences punishable under sections 366 of I.P.C., r/w Sections 5(i) and 6 of POCSO Act, in Crime No.26 of 2021 on the file of the respondent police. He seeks bail.

3. The case of the prosecution is that on 29.03.2021, the defacto complainant went for job and returned to her home at 05.00 pm., at that time, she found that her daughter was kidnapped by the petitioner. Hence, the complaint.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and he is not having bad antecedents and he



is no way connected with the alleged occurrence. He further submitted that after securing the victim, she was not willing to go along with her parents and she has been kept in the Home.

5. The learned Additional Public Prosecutor submitted that it is a case of elopement. There was a love affair between the defacto complainant's daughter and the petitioner. The victim was aged about 16 years and taken to various places and the petitioner is said to have had sexual intercourse with the victim girl. It is further submitted by the learned Additional Public Prosecutor that at the time of elopement, the victim girl is said to have handed over 1 ½ sovereign of gold jewels to the petitioner and the same was pledged by him.

6. This Court posed a question to the learned counsel for the petitioner that whether the gold jewels has been handed over or not to the parents of the victim. The learned counsel appearing for the petitioner submitted that the issue has been settled between the parents of the victim girl and the petitioner. This statement made by the petitioner's counsel is placed on record.

7. Considering the period of incarceration of the petitioner, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall execute 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 Exclusive Trial of cases under POCSO Act, Kanyakumari District at Nagercoil.

[ii] 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 card or Bank Pass Book to ensure their identity.

[iii] the petitioner shall report before the respondent police for interrogation, as and when required.

[iv] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[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

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WEB 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 SPECIAL JUDGE FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
KANYAKUMARI AT NAGERCOIL.
- 2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MARTHANDAM,
KANYAKUMARI DISTRICT.
- 3.THE OFFICER IN-CHARGE,
DISTRICT JAIL, NAGERCOIL,
KANYAKUMARI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6824 of 2021
Date :20/05/2021

rmi/pkn
PK/AKM/SAR-IV/21.05.2021 : 3P/5C