



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.6911 of 2021

Muthulakshmi

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Puliyankudi Police Station,
Tenkasi District.
Crime No. 128 of 2021

... Respondent/Complainant

For Petitioner : Mr.R.Maheswaran,
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.128 of 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 arrayed as A3. She was arrested and remanded to Judicial Custody on 13.03.2021 for the offences punishable under sections 6 r/w 5(1), 17 of Protection of Children from Sexual Offence Act, 2012 (POCSO) and Sections, 9, 10, 11 of Prohibition of Child Marriage Act, 2006, in Crime No.128 of 2021 on the file of the respondent police. She seeks bail.

3. The case of the prosecution is that the defacto complainant is the Social Welfare Extention Officer, Panchayat Union, Vasudevanallur. When the defacto complainant has found out the victim at palayamkottai bus stand, the victim disclosed that her parents were joined together and attempted to arrange marriage along with the accused No.1, so, she escaped from the house. Hence the complaint.



4. The learned counsel for the petitioner submitted that the petitioner is innocent and she has not committed any offence as alleged by the prosecution. He further submitted that she has been falsely implicated in this case due to enmity.

5. Heard the learned Government Advocate (Crl.side) appearing for the respondent.

6. Considering the duration of the custody of the accused, considering the overt act attributed against the petitioner and considering the fact that major portion of the investigation is over by this time and the victim girl has been secured and has been kept in Home, the petitioner is entitled for bail.

7. Taking note of the facts and circumstances of this case, 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;

[a] 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 learned Special Sessions Judge (POCSO Act Cases), Tirunelveli.

(b) 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.

(c) 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.

[d] the petitioner shall report before the respondent police

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

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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].

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

sd/-

20/05/2021

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/ /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 SPECIAL SESSIONS JUDGE,
(POCSO ACT CASES), TIRUNELVELI
 2. THE OFFICER INCHARGE,
WOMEN SUB JAIL, KOKKIRAKULAM,
TIRUNELVELI-9.
 3. THE INSPECTOR OF POLICE,
PULIYANKUDI POLICE STATION,
TENKASI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6911 of 2021
Date : 20/05/2021

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