



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

Date : 27/05/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD)No.6987 of 2021

C.Murugan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Koomapatti,
Virudhunagar District.
Crime No.46/2021.

... Respondent/Complainant

For Petitioner : Mr.T.Thirumurugan,
Advocate.

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

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

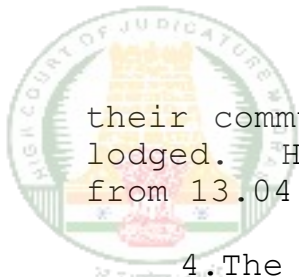
PRAYER :- To Enlarge the Petitioner on bail in Crime No.46/2021 on the file of the Respondent Police and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the cases.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 13.04.2021 for the offences punishable under Sections 417, 366(A) IPC and Sections 5(1)(j)(ii) r/w 6 of the Protection of Children from Sexual Offences Act in crime No.46 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner kidnapped the victim girl, who is aged about 17 years and six months, on false promise of marrying her and had physical relationship with her. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He would also submit that the petitioner and the victim girl were loving each other, which was opposed by the parents of the victim girl by citing



their community and therefore, the present false complaint has been lodged. He would further submit that the petitioner is in custody from 13.04.2021 and hence, he may be granted bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner is aged about 34 years and the victim girl is aged about 17 years and six months and 164 Cr.P.C., statement of the victim girl also recorded. It is true that there was love affair between the petitioner and the victim girl delivered a boy baby, but, the baby died on 18.04.2020. He would also submit that DNA test is pending and medical examination is over.

5.Considering the facts that there was love affair between the petitioner and the victim girl, who is aged about 17 years and six months and that medical examination for both the petitioner and the victim girl is over and considering the period of incarceration and also considering the urgent need and necessity to ensure social distancing and thereby, to reduce the scope of infection, it is essential that the prisons are de-congested as much as possible. Keeping this in view, this Court is inclined to release the petitioner on bail, subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) before the Jail Authority. The petitioner after his release shall surrender before the concerned Judicial Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and 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 Sessions Judge, Special Court cases under POCSO Act, Srivilliputhur.

i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii)the petitioner shall report before the respondent police as and when required.

iii)the petitioner shall not tamper with evidence or witness.

iv)the petitioner shall not abscond during trial.

v)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].



vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/05/2021

/ TRUE COPY /

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 SESSIONS JUDGE,
SPECIAL COURT CASES UNDER POCSO ACT,
SRIVILLIPUTHUR.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KOOMAPATTI,
VIRUDHUNAGAR DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL JAIL,
MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6987 of 2021
Date : 27/05/2021

GNS
MS/MNR/SAR-3/27.05.2021/3P.5C