



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/06/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7825 of 2021

Sureshkumar ... Petitioner/Sole Accused
Vs

The State rep by
The Inspector of Police,
Rayappanpatty Police Station,
Theni District.
(Crime No - 153 / 2021).

... Respondent/Complainant

For Petitioner : Mr.Senguttuarasan.P.,
Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For bail in Crime No.153 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 01.06.2021 for the offences punishable under Section 366 of IPC, Section 6 of POCSO Act, 2012 and Section 9 of Child Marriage Act in Crime No.153 of 2021 on the file of the respondent police, seeks bail.

2. The defacto complainant is the grand father of the victim girl. He has given a complaint to the respondent police on 04.04.2021 alleging that her grand daughter Mohana was missing from 02.04.2021, hence the case came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the victim had completed 17 ½ years and both the petitioner and the victim were in love with each other. He would further submit that only at the instance of the victim girl the petitioner accompanied her. He would further submit that the petitioner is in judicial custody from 01.06.2021 and the medical examination of both the petitioner and the victim was over, hence he seeks bail.



4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed. He has also produced the 164 Cr.P.C statement of the victim girl.

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5. A perusal of the 164 Cr.P.C statement of the victim girl shows that the family members of the victim girl want to give her in marriage to some one when she was studying 10th standard and the victim was not willing for marriage, therefore she informed the same to the petitioner herein. Thereafter on 02.04.2021 she left her home on her own to meet Sureshkumar/petitioner herein and they had gone to the sister's house of the petitioner herein at Kandamanoor and had sexual relationship. Thereafter knowing about this case they left Kandamanoor to Udumalpet and they were apprehended at Udumalpet on 31.04.2021 and brought to the police station.

6. Thus it is seen from the 164 Cr.P.C statement of the victim girl that she left the home on her own. The petitioner is aged about 25 years and the victim is aged about 17 ½ years. Medical examination of both the petitioner and the victim was over. The petitioner is in judicial custody from 01.06.2021.

7. Taking into consideration all the above facts, this Court is inclined to grant bail to the petitioner

8. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Mahalir Neethimandram, (Fast Track Mahila Court) Theni, and on further condition that:

[a] 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.

[b] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

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

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

[e] 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]**.



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

Sd/-
22/06/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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, MAHALIR NEETHIMANDRAM,
(FAST TRACK MAHILA COURT) THENI
2. THE OFFICER INCHARGE,
SUB JAIL, UTHAMAPALAYAM.
3. THE INSPECTOR OF POLICE,
RAYAPPANPATTY POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.7825 of 2021
Date : 22/06/2021

VB JC SAR III(22/06/2021) 3P / 5c