



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

Date : 28/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8185 of 2021

Moesak @ Sam Meshak

... Petitioner/Petitioner/Accused

Vs

State of Tamilnadu rep.by.,
The Inspector of Police,
All Women Police Station,
Valliyoor,
Tirunelveli District.
Crime No. 8 of 2021.

... Respondent/Respondent/Complainant

For Petitioner : Mr.K.Rajeshwaran,
Advocate.

For Respondent : Mr.Antony Sahaya Prabaha,
Additional Public Prosecutor

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

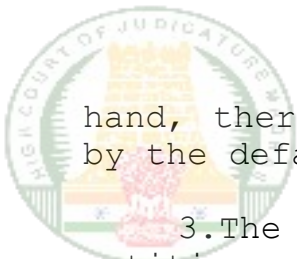
PRAYER :-

For Bail in Crime No.8 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested on 01.06.2021 for the offences punishable under Sections 305,511 of IPC and Section 11(iv) r/w.12 of POCSO Act in Crime No.8 of 2021 on the file of the respondent police, seeks bail.

2. The deceased in this case was studying 10th standard. The case of the prosecution is that on 29.05.2021 the defacto complainant received a call from her daughter that she consumed poison. On coming home the defacto complainant enquired the deceased as to what had happened. He was told by the deceased that on 29.05.2021 at about 06.30 pm., when she had been drawing water from the street water tape the accused came there and told her that he was in love with her and want to marry her. He also caught hold her



hand, therefore she consumed poison. Based on the complaint given by the defacto complainant the present 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 real fact in this case is that the deceased was in love with one Balaji of Kalakadu and when it was brought to the knowledge of the family of the deceased, she consumed poison. He would further submit that the petitioner is in judicial custody from 01.06.2021, 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. On instructions, he would further submit that the deceased was in love in one Balaji of Kalakadu

5. It is seen that the accused had only expressed his love may in forcible manner, but there is no serious allegation against the petitioner. Apart from this, there is a submission that the deceased was in love with one Balaji of Kalakadu Village and that is the reason for her committing suicide. Though these factors are matter for trial considering the totality of the facts of the case and also the taking into consideration the period of incarceration and also the fact that material part of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner

6. 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 Judicial Magistrate, Valliyoor 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 were breached 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]**.

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

WEB COPY

sd/-
28/06/2021

/ 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.

TO

1.THE JUDICIAL MAGISTRATE, VALLIYOOR

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3.THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.

4.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, VALLIYOOR,
TIRUNELVELI DISTRICT.

5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8185 of 2021
Date :28/06/2021

AAV
PK/PN/SAR-III/28.06.2021 : 3P/6C