



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

Date : 30/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8586 of 2021

Ramachandran

... Petitioner/Accused No.2

Vs

State Rep. by
The Inspector of Police,
Avaniyapuram Police Station,
Madurai District.
in Crime.No.409 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Jegadeesh Pandian.M.,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

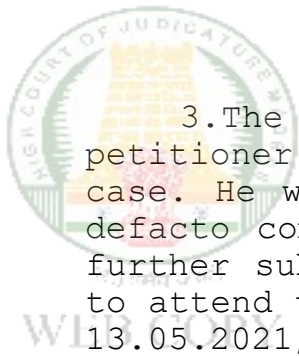
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime. No.409 of 2021 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 13.05.2021 for the
offences punishable under Sections 366(A) of IPC and Sections 5(1),
6,16,17 of POCSO Act in Crime No.409 of 2021 on the file of the
respondent police, seeks bail.

2. The case of the prosecution is that On 12.05.2021 at about
3.00 pm., the victim Janani informed the defacto complainant that
she was going to her uncle's house for attending online class.
After some time the brother's wife Muthupandi came to the house of
the defacto complainant and asked about Janani. The defacto
complainant told her that she came to her house to attend online
class. Muthupandi informed that she was not in her house, therefore
the case came to be registered. Initially the case was registered
under Girl Missing and subsequently it has been altered to Sections
366(A) of IPC and Sections 5(1),6,16,17 of POCSO Act. The allegation
against the first accused is that he had sexual relationship with
the victim and this petitioner has provided accommodation in his



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 the petitioner had only informed the defacto complainant about the whereabouts of the victim. He would further submit that earlier the petitioner was granted interim bail to attend the funeral function of his father and he is custody from 13.05.2021, 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. He would further submit that the case has now been transferred to All Women Police Station, Teppakulam, Madurai.

5. Taking note of the fact and circumstances of the case and also the fact that the petitioner had only provided accommodation to the first accused and the victim and the fact that the petitioner is in judicial custody from 13.05.2021, 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 Special District Judge for POCSO Act Cases, Madurai 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.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.

sd/-
30/06/2021

/ 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.

WEB COPY

- TO
- 1 THE SPECIAL DISTRICT JUDGE
FOR POCSO ACT CASES, MADURAI.
 - 2 THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,
MADURAI DISTRICT.
 - 3 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8586 of 2021
Date :30/06/2021

aav
JM/VR/SAR II/30.06.2021/3P/5C