



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

Date : 16/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8577 of 2021

T.Siva

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Tenkasi.

... Respondent/Complainant

For Petitioner : Mr.K.Rajendra Prasad, Advocate.

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

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

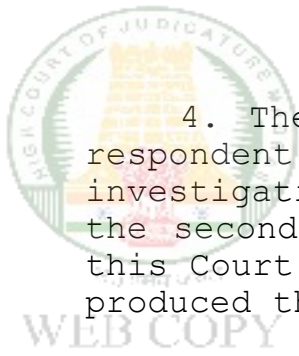
PRAYER :- For Bail in Crime No. 6 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 27.05.2021 for the offences punishable under Sections 294(b), 376 and 506(i) IPC r/w under Sections 6,5(1), 10,9(1)12,11(5) of POCSO Act in Crime No.6 of 2021 on the file of the respondent police, seeks bail.

2.The petitioner and the defacto complainant are relatives. Subsequently, the petitioner loved the defacto complainant and planned to marry her and had sexual relationship with her on 15.10.2020. Even thereafter, he continued to have sexual relation with her. When she requested him to marry her, the petitioner said to have refused to marry her. Therefore, the defacto complainant on 17.05.2021 consumed the washing thinner. Thereafter, the case came to be registered on 27.05.2021.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that he is compelled to marry the defacto complainant and he had no such sexual relationship with the defacto complainant and therefore, he refused to marry her. Further, the case has been falsely against the petitioner, 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 submit that this is the second bail petition and the earlier petition was dismissed by this Court on 10.06.2021 in CrI.O.P(MD) No.7557 of 2021. He has also produced the 164 Cr.P.C statement of the victim.

5. It is seen from the 164 Cr.P.C statement of the victim that the accused had sexual intercourse with the victim on the promise of marrying her. The petitioner is aged about 20 years and the victim is aged about 17 years. That apart medical examination of the both the petitioner and the victim is over and 164 Cr.P.C statement of the victim is also recorded.

6. Taking into consideration all these factors and the fact that the petitioner is in judicial custody from 27.05.2021, this Court is inclined to grant bail to the petitioner

7. 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 No.I, Tenkasi 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/-
16/07/2021

/ 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 JUDICIAL MAGISTRATE NO.I, TENKASI.

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

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TENKASI.

4. THE OFFICER INCHARGE, SUB JAIL,
SANKARANKOVIL.

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

+1 CC to M/s.K.RAJENDRA PRASAD, Advocate (SR-4644[I] dated
16/07/2021)

ORDER

IN

CRL OP(MD) No.8577 of 2021

Date :16/07/2021

AAV

MS/VR/SAR-2/16.07.2021/3P.7C