



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8947 of 2021

Gokulakannan

... Petitioner/Sole Accused

Vs

The State Rep.by.
The Inspector of Police,
Muthukulathur Police Station,
Ramnad District
Crime No. 214/2021.

... Respondent/Complainant

For Petitioner : Mr.A.Uthayakumar,
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. 214 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 22.05.2021 for the offences punishable under Sections 5(1), 5(j)(ii), 6 of POCSO Act in Crime No.214 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's daughter is aged about 15 years and she was studying 10 standard and stayed in a hostel. The accused Gokulakannan used to go to their shop and he tried to misbehave with her. Therefore he informed the same to his parents and warned him. His daughter was sent to his brother-in-law house. On 07.05.2021 at about 7.30 hrs, he was informed that her daughter was admitted in Sivagangai Government Hospital complaining stomach pain. Later she delivered a baby. He visited the hospital and enquired his daughter. His daughter informed that the accused Gokulakannan was the reason and



he was in love with her and had sexual relationship with her several times. Therefore she got pregnant, and delivered a baby. Hence the complaint.

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 petitioner is in judicial custody from 22.05.2021, 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 medical examination of the petitioner and the victim is over and 164 Cr.P.C statement of the victim girl has been recorded.

5. Considering the fact that in a love affair between the accused and the daughter of the defacto complainant the accused said to have sexual intercourse with her.

6. Taking note of the fact and circumstances of the case and also the fact that the substantial portion of the investigation might have been completed by this time and the fact that the petitioner is in judicial custody from 22.05.2021, 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 Sessions Judge (Fast Track Mahila Court) Ramanathapuram 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/-
14/07/2021

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/ /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 SESSION JUDGE
FAST TRACK MAHILA COURT, RAMANATHAPURAM
- 2.DO THROUGH THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE
MUTHUKULATHUR POLICE STATION,
RAMNAD DISTRICT.
- 4.THE OFFICER INCHARGE
DISTRICT PRISON, MADURAI
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8947 of 2021
Date :14/07/2021

SA/AKM/SAR 5/14.07.2021/3p/6C