



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

Date : 12/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9180 of 2021

Parthiban

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Uthamapalayam, Theni District.
Crime No.4 of 2021.

... Respondent/Complainant

For Petitioner : Mr.B.Arun,
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. 4/2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 05.05.2021 for the offences punishable under Sections 366 of IPC and Section 4 of POCSO Act, 2012 in Crime No.4 of 2021 on the file of the respondent police, seeks bail.

2. The victim is 17 years old, petitioner/accused is 25 years old and he is already married and has one son aged about 1 ½ years and he is an auto driver. The case of the prosecution is that the victim and the wife of the petitioner Sangeetha are friends. The victim used to visit the house of the petitioner frequently. The victim was missing from home from 4.00 am., on 03.05.2021. Later it transpired that the petitioner had taken away the victim for getting marriage with her. Therefore 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 petitioner is in judicial custody from 05.05.2021, hence he seeks bail.

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4.The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed.

5.A reading of the First Information Report and the 164 Cr.P.C statement of the victim girl shows that she was in love with the petitioner and she willingly left her home for marrying the petitioner and both of them had sexual relationship during their love affair and after the alleged marriage. Medical examination of both the petitioner and the victim is over.

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 05.05.2021, 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, 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.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/-
12/07/2021

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

ORDER
IN
CRL OP(MD) No.9180 of 2021
Date :12/07/2021

AAV
TK/VR/SAR.3/12.07.2021/3P/5C