



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

Date : 28/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.10047 of 2021

Dhivagar

... Petitioner/Sole Accused

Vs

The State,
rep.by Inspector of Police,
Melatur Police Station,
Thanjavur District.
(Crime No.362/2021).

... Respondent/Complainant

For Petitioner : M/s.Veerapandi P,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate(Crl.Side)

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

PRAYER :-

For Bail in Crime No.362 of 2021 on the file of the Respondent Police.

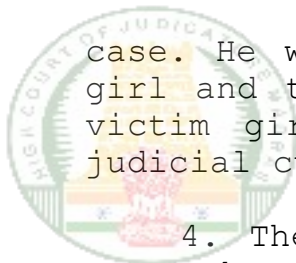
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 09.07.2021 for the offences punishable under Sections 366 of IPC @ 366(A) of IPC @ 366 of IPC, 11(iv),12,5(1), 6 of POCSO Act in Crime No.362 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl is the daughter of the defacto complainant and she was studying XI standard and her age is 17 years. The victim girl was staying in the defacto complainant's mother's house and she informed that the accused had kidnapped her daughter on 05.07.2021, 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

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case. He would further submit that he was in love with the victim girl and there was no sexual assault committed by him against the victim girl. He would further submit that the petitioner is in judicial custody from 09.07.2021, 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 medical examination is over and 164 Cr.P.C statement of the victim is recorded.

5. Perusal of the 164 Cr.P.C statement of the victim shows that the victim and the petitioner were in love with each other and she had willingly gone with him. The accused took her to his uncle house where they stayed for three days. His uncle told him that unless they go home, he would intimate the police. Then police came and took them. During her stay with the accused there was no sexual relationship with the accused.

6. It is a case of teenage love and the lovers have exceeded their limit. Considering the fact that the medical examination was over and 164 Cr.P.C statement of the victim is recorded and the fact that the petitioner is in judicial custody from 09.07.2021, 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 Special Court of exclusive trial of cases under POCSO ACT, Thanjavur 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/-
28/07/2021

/ TRUE COPY /

WEB 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 SPECIAL COURT OF EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT, THANJAVUR.
- 2 THE OFFICER INCHARGE SUB JAIL, THANJAVUR.
- 3 THE INSPECTOR OF POLICE, MELATUR POLICE STATION, THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10047 of 2021
Date :28/07/2021

AM/JC/SAR.3/28.07.2021/3P/5C