



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10784 of 2021

G.Gopi

... Petitioner/Accused No.1

Vs

The State Rep. by,
The Inspector of Police,
Bodi Taluk Police Station,
Theni District.
(Crime No.381 of 2021).

... Respondent/Complainant

For Petitioner : Mr.R.Sundar,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

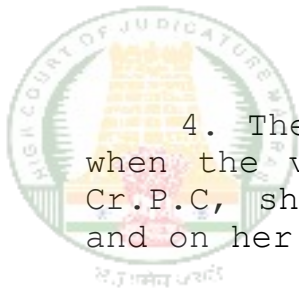
For Bail in Crime No.381 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 03.06.2021 for the offence punishable under Sections 366(A) and 506(i) of IPC, Sections 5(1), 5(j)(ii) and 6 of POCSO Act, 2012 in Crime No.381 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner (A1) along with other accused kidnapped the victim girl, who is aged about 16 ½ years and thereafter, the petitioner also married the victim girl against her wish.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence and he has been falsely implicated in this case.



4. The learned Government Advocate(Crl.Side) would submit that when the victim girl was examined by the Court under Section 164 Cr.P.C, she stated that she had a love affair with the petitioner and on her own volition, she went along with the petitioner.

5. Taking into consideration of the facts and circumstances of the case, the period of incarceration and also the statement given by the victim that on her volition, she went along with the petitioner, 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 District Sessions cum Mahila Court (Fast Track Court), Theni and on further conditions 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 as and when required for interrogation.

[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/-

06/08/2021

/ 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.



TO

1. THE JUDGE,
DISTRICT SESSIONS CUM MAHILA COURT (FAST TRACT COURT),
THENI.

2. THE OFFICER-INCHARGE,
SUB JAIL, PERIYAKULAM.

3. THE INSPECTOR OF POLICE,
BODI TALUK POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.M/S.R.SUNDAR, Advocate (SR-5160[I] dated 06/08/2021)

ORDER

IN

CRL OP(MD) No.10784 of 2021

Date :06/08/2021

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USK/VR/SAR-II : 06/08/2021 : 3P/6C