



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

Date : 23/08/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11152 of 2021

Suresh

... Petitioner/Petitioner
Sole Accused

Vs

The State rep.by
The Inspector of Police,
Uthamapalayam All Women Police Station,
Uthamapalayam,
Theni District.
Crime No.6 of 2021

... Respondent/Respondent
Complainant

For Petitioner : Mr.KARUPPASAMY PANDIAN Advocate
for Mr.I.MOHAMMED RAZVI, Advocate
For Respondent : Mr.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

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

PRAYER :-

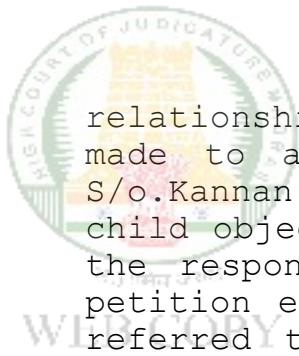
For Bail in Crime No.6 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 03.06.2021, for the offence punishable under Sections 9(1)(n) and 10 of POCSO Act 2012 and Section 352 of IPC, in Crime No.6 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner misbehaved with his own daughter. Based on the complaint of the wife of the petitioner, a case was registered as against him.

3.The learned counsel for the petitioner submits that the petitioner and his wife are not in good terms. The defacto complainant's sister one Vairamani, a divorcee, is having a



relationship with one Jeyakannan and at her instance, an attempt was made to arrange marriage for the victim child with one Pandey, S/o.Kannan of Pudupatti. The petitioner as the father of the victim child objected for the child marriage and lodged a complaint before the respondent Police on 23.05.2021 and the same was treated as petition enquiry in CSR No.78 of 2021. The victim child was also referred to the Child Welfare Officer. While so, as a counter complaint, at the instance of the defacto complainant, the present complaint is lodged as if the petitioner misbehaved with his own daughter, the victim in this case.

4. Considering the submissions made, this Court directed the Investigating Officer to produce the CD file.

5. This Court perused the CD file and found that though the petitioner claims that the marriage was arranged by the defacto complainant with one Pandey, S/o.Kannan, the marriage was not solemnized. By recording the same, the complaint given by the petitioner was closed. The victim girl was also produced before the learned Judicial Magistrate as well as before the Doctor and the statement was recorded under Section 164 Cr.P.C. The victim child has stated that the petitioner misbehaved with her. The doctor, who examined the child, has reported that hymen is intact.

6. The learned Government Advocate(Crl.Side) appearing for the respondent submitted that the investigation is also completed.

7. Considering the facts and circumstances of the case, the period of incarceration and also the doctor's report that hymen is not ruptured, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the Criminal Original Petition is ordered. The petitioner is directed 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, Mahila Neethimandram (Fast Track Mahila 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 daily at 10.30 a.m. 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/-
23/08/2021

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

+1. CC to Mr.I.Mohammed Razvi Advocate SR.No.5566

ORDER

IN

CRL OP(MD) No.11152 of 2021
Date :23/08/2021

SA/VR/SAR.4/23.08.2021/3P/6C