



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

Date : 12/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11318 of 2021

Prakash ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
Crime No.176 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.Aruljenifer,
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.176 of 2021 on the file of the Respondent Police.

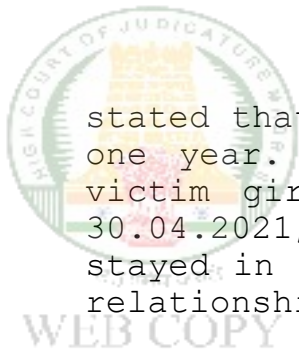
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 12.05.2021 for the offences under Section 366(A) I.P.C and Section 5(1)r/w 6(1) of (POCSO) Protection of Children from Sexual Offence 2012, in Crime.No.176 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner abducted the victim girl aged about 16 years and had physical relationship with her.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in jail for the past 90 days, hence he may be granted bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the statement under Section 164 Cr.P.C has been recorded from the victim, in which, she has



stated that she had love affair with the petitioner over a period of one year. This petitioner has also gifted a mobile phone to the victim girl and they are in constant touch with each other. On 30.04.2021, the petitioner has taken the victim girl and they have stayed in a separate house at Rangiyam for 10 days and had physical relationship with her.

5.The learned counsel for the petitioner intervened and submitted that based on the complaint given by the victim's father, the respondent police harassed the petitioner's brother, till the petitioner and the victim have returned.

6.Considering the facts and circumstances of the case, the age of the petitioner as well as the victim girl, the statement recorded from the victim girl under Section 164 Cr.P.C. and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and 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 Mahila Court, Pudukkottai 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 229-A IPC.

sd/-

12/08/2021

/ 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.

WEB COPY

1. THE SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI.
2. THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
3. THE INSPECTOR OF POLICE,
THIRUMAYAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11318 of 2021
Date :12/08/2021

MSA
MS/PN/SAR-2/12.08.2021/3P.5C