



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

Date : 25/08/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12100 of 2021

T.Dennial @ Manickam

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station
Thiruverambur
Trichy District
Crime No.13 of 2021

... Respondent/Complainant

For Petitioner : M/S.R.ALAGIA NAMBI,
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.13 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused , who was arrested on 02.07.2021 for the offences under Sections 5(1), 6(1), 15(2) of Protection of Child from Sexual Offences (POCSO) Act, 2012, in Crime.No.13 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner forcibly took the victim to a lonely place and had sexual intercourse with her. Hence, the case.

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 submits that at the instigation of the father of the victim, a false complaint has been lodged as if the petitioner forcibly took the victim girl and had physical relationship with her. Since the petitioner is in jail from 02.07.2021, the learned counsel prays for grant of bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent police, on instructions, would submit that the petitioner is aged about 26 years and the victim girl is aged about 17 years. The statement has been recorded from the victim under Section 164 Cr.P.C, in which, she has stated that she had love affair with the petitioner. He would further submit that the final report is yet to be filed.

5. 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., wherein, she has stated that she had love affair with the petitioner and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. 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, Thiruchirapalli, 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 daily at 10.30 a.m until further orders.

[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.

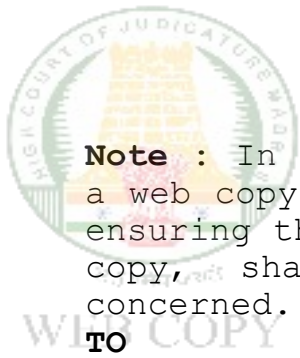
sd/-

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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 COURT, THIRUCHIRAPALLI.
2. THE SUPERINTENDENT
CENTRAL PRISON, THIRUCHIRAPALLI.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION
THIRUVERAMBUR
TRICHY DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.R.ALGIA NAMBI, Advocate SR.No.5674

ORDER

IN

CRL OP(MD) No.12100 of 2021

Date : 25/08/2021

SA/VR/SAR.2/25.08.2021/3P/6C