



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

Date : 03/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12527 of 2021

Karuppiiah

... Petitioner/Accused No.2

Vs

State Rep by
The Inspector of Police,
All Women Police Station
Bodi
Crime No.10 of 2021

... Respondent/Complainant

For Petitioner : M/s.Jerin Mathew,
Advocate.

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

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

PRAYER :-

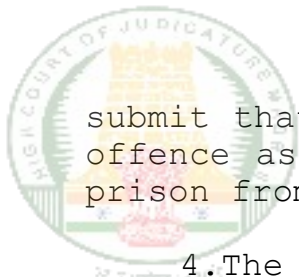
For Bail in Crime No.10 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 24.07.2021 for the offences punishable under Sections 5(1) and 6 of POCSO Act, 2012, in Crime No.10 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant/victim loved each other. The petitioner had physical relationship with the victim girl by giving a false promise that he would marry her. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner's parents are willing to arrange the marriage between the petitioner and the defacto complainant. However, considering the age of the defacto complainant, they have suggested to perform the marriage after she attains the age of 18 years and they have also



submit that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution and he is languishing in the prison from 24.07.2021 and hence, he prays for bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police would submit that the final report is yet to be filed.

5.Considering the facts and circumstances of the case, the fact that the parents of the petitioner have filed an affidavit that they will arrange the marriage between the petitioner and the defacto complainant after she attains the age of majority, and also 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 Mahalir Neethi Mandram (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 Aadhaar 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/-
03/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



MSA

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 SESSIONS JUDGE MAHALIR NEETHI MANDRAM,
(FAST TRACK MAHILA COURT),
THENI.
2. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
BODI.
3. THE SUPERINTENDENT,
CENTRAL PRISION,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.JERIN MATHEW Advocate SR.No.5971(I)dated 03/09/2021

ORDER

IN

CRL OP(MD) No.12527 of 2021

Date :03/09/2021

PKP/JM/SAR-2/06.09.2021/3P/6C