



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

Date : 31/08/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12515 of 2021

Selvakumar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Moolakaraipatty Police Station
Crime No.186 of 2021

... Respondent/Complainant

For Petitioner : Mr.M.SURESH,
Advocate.

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

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

PRAYER :-

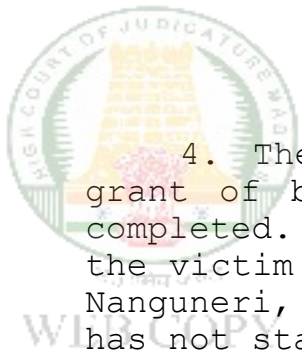
For Bail in Crime No.186 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 21.07.2021 for the offence punishable under Sections 366A IPC and 5(1) and 6 of Protection of Children from Sexual Offences Act, 2012, in Cr.No.186 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 and stayed with her in his house for two days and had physical relationship. Hence, the case. According to the prosecution, the petitioner is aged about 21 years and the victim girl is aged about 16 years.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Due to love affair, the victim girl went to the petitioner's house and stayed with him. However, the petitioner is languishing in jail from 21.07.2021. Hence, he prayed for grant of bail.



4. The learned Government Advocate (Crl. Side) opposed for grant of bail on the ground that the investigation is yet to be completed. He further submitted that after the registration of FIR, the victim girl was produced before the learned Judicial Magistrate, Nanguneri, for recording her statement, in which, the victim girl has not stated anything against the accused.

5. Considering the facts and circumstances of the case, the period of incarceration and the fact that the victim girl, while recording her statement, has not stated anything against the petitioner, this Court is inclined to grant bail to the petitioner.

6. 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, Special Court for POCSO Cases, Tirunelveli 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 appear before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with 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/-
31/08/2021

/ 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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO CASES,
TIRUNELVELI.
2. THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.
3. THE INSPECTOR OF POLICE,
MOOLAKARAIPATTY POLICE STATION
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.12515 of 2021

Date : 31/08/2021

SA/VR/SAR.1/31.08.2021/3P/5C