



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13/09/2021
PRESENT

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The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12808 of 2021

Veerakarthish

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Athirampattinam Police Station
Thanjavur District
(Crime No.638 of 2021)

... Respondent/Complainant

For Petitioner : MR.C.BHARATHI, 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.638 of 2021 on the file of the Respondent Police.

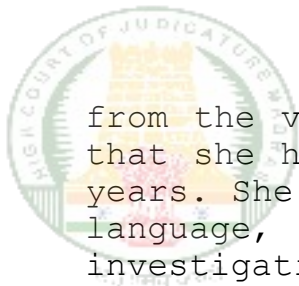
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 04.08.2021 for the offence punishable under Sections 366 of IPC r/w. Section 5(1), 6 and 4(2) of (POSCO) Protection of Children from Sexual Offence 2012 Act, in Crime No.638 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein and the victim girl loved each other and had secret relationship right from 27.03.2021. On the date of occurrence, the victim, who is aged about 14 years, eloped with the petitioner to the petitioner's grandmother's house on 21.07.2021,, where he had physical relationship with the girl till 03.08.2021. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent. The petitioner and the victim loved each other and hence, they went to the petitioner's grandmother's house. He further submitted that the petitioner is willing to marry the girl after she attains majority.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that 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, who is aged about 19 years. She further stated that since her father abused her in filthy language, she eloped with him. He would further submit that the investigation is almost completed.

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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., the stage of the investigation 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 Special Judge, Special Court for Exclusive Trial of Cases under POSCO Act, Thanjavur, 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/-

13/09/2021

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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



TO

1 THE SPECIAL JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POSCO ACT,
THANJAVUR.

2 THE INSPECTOR OF POLICE
ATHIRAMPATTINAM POLICE STATION, THANJAVUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12808 of 2021

Date :13/09/2021

TM

MK/VR/SAR.I/13.09.2021/3P/5C