



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12907 of 2021

AJITH KUMAR,
S/O.SELVARAJ,
NO.6/4, NORTH STREET,
AANDARKULAM VILLAGE,
TENKASI DISTRICT.

... PETITIONER/ACCUSED

VS

THE INSPECTOR OF POLICE,
SENTHAMARAM POLICE STATION,
TENKASI DISTRICT.

(CRIME NO. 241 OF 2021). ... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S. VENKATESH.D.,
ADVOCATE.

FOR RESPONDENT : MR.T.SENTHILKUMAR,
GOVERNMENT ADVOCATE (CRL.SIDE)

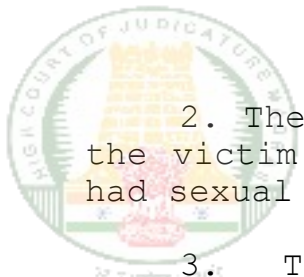
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 241 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 03.08.2021, for the offences punishable under Sections 366, 376 IPC and Sections 5(i) & 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.241 of 2021 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner kidnapped the victim girl, stayed along with her in his relative's house and had sexual intercourse. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Originally, the petitioner and the victim girl fell in love with each other and as such, she eloped with the petitioner. Hence, he prayed for grant of bail.

4. The learned Government Advocate(Crl.Side) submits that the victim girl is aged about 16 years and the accused is aged about 19 years. The victim girl, in her statement recorded under Section 164 Cr.P.C., has stated that both are close relatives and they fell in love with each other; after knowing the same, her parents have also assured that after she attains majority, they would arrange for marriage. She further stated that at her instance only, the petitioner took her to his relative's house.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner, the period of incarceration and also the fact that the victim girl, in her statement, stated that at her instance only, the petitioner took her to his relative's house, 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 Act 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 report before the respondent Police as and when required.

[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



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/09/2021

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/ /2021

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

OGY

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,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.
2. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.
3. THE INSPECTOR OF POLICE,
SENTHAMARAM POLICE STATION,
TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12907 of 2021
Date :06/09/2021

GC(06.09.2021) 3P 5C