



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

Date : 13/09/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13332 of 2021

Vijay ... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Appanthirupathi Police Station
Madurai District
(Crime.No.186 of 2021). ... Respondent/Complainant

For Petitioner : Mr.D.Rajaboopathy
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 18.07.2021 for the offences punishable under Sections 5(1) and 6 of (POSCO) Protection of Children from Sexual Offence Act 2012, in Crime No.186 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 13.07.2021, the defacto complainant's daughter went to her friend's home for a group study, but since she did not come back home, defacto complainant searched with her relatives' and friends' home, but all efforts ended in vain. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that



the petitioner and the defacto complainant loved each other and when the matter came to the notice of her parents, she eloped with the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the defacto complainant's daughter gave a statement under Section 164 Cr.P.C. before the learned Judicial Magistrate and she admitted that she eloped with the petitioner.

5.Considering the facts and circumstances of the case and considering the statement given by the victim 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, Special Court for Trial of cases under POCSO Act, Madurai, 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 Judge/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 Judge/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

/ TRUE COPY /

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

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



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,
Special Court for trial of cases under POCSO Act,
Madurai.
2. The Officer Incharge, Sub Jail, Melur, Madurai District.
3. The Inspector of Police,
Appanthirupathi Police Station
Madurai District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.13332 of 2021
Date : 13/09/2021

TR/PN/SAR-I(13.09.2021) 3P 5C