



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13418 of 2021

Idayakkani

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Sapptur Police Station,
Sapptur,
Madurai District.
Crime No.1852 of 2020

... Respondent/Complainant

For Petitioner : Mr.K.ARUNRAJ,
Advocate.

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

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

PRAYER :-

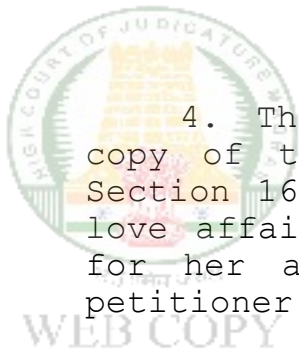
For Bail in Crime No. 1852 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 30.07.2021 for the offence punishable under Section 366 IPC r/w. 5(j)(ii), 5(1), 6 of Protection of Children from Sexual Offences Act 2012 and 9 of Prohibition of Child Marriage Act, in Crime No.1852 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner kidnapped the daughter of the defacto complainant, who is aged about 17 years.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner and victim girl fell in love with each other and due to love affair, they left from their house. Now, they got married and had begotten a male child on 22.05.2021.



4. The learned Government Advocate(Crl.Side) has produced a copy of the statement of victim girl, which was recorded under Section 164(1) Cr.P.C., wherein, she stated that after knowing her love affair with the petitioner, her parents arranged marriage for her along with another person; therefore, she called the petitioner and they went to Madurai; now, they got a child.

5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, the period of incarceration and also the statement given by the victim girl, 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, Principal Special Court for Exclusive 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[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/-

14/09/2021

/ 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.



TO

1. THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE
TRIAL OF CASES UNDER POCSO ACT,
MADURAI.

2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3. THE INSPECTOR OF POLICE
SAPTTUR POLICE STATION,
SAPTTUR,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.13418 of 2021

Date :14/09/2021

SA/VR/SAR.2/14.09.2021/3P/5C