



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/09/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13787 of 2021

Rejis ... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Alangulam,
Crime No.13 of 2021. ... Respondent/Complainant

For Petitioner : Mr.M.Sankar, Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor (Crl.side)

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

PRAYER :-For Bail in Crime No.13 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 15.07.2021 for the offence under Section 376 I.P.C and Sections 12, 11(iv), 6 and 5(i) of Protection of Children from Sexual Offences Act, 2012, in Crime.No.13 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the victim girl are neighbours. The petitioner had physical relationship with the victim girl on various days by promising that he would marry her and thereafter, he married another girl. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner and the defacto complainant are neighbours. They have moved closely, but, there is no physical relationship as claimed by the defacto complainant. He further submits that the defacto complainant insisted the petitioner to marry her, but, the petitioner refused for the same and he has married another girl, arranged by his family members. Therefore, the complaint has been foisted as against him on 15.07.2021 as if there was a physical relationship even in the year 2019 when she was a minor. He further

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any offence as alleged by the prosecution and he is in jail for the past 65 days and hence, he seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police has produced the statement recorded from the victim under Section 164 Cr.P.C.He would submit that the investigation is almost completed.

5.Considering the facts and circumstances of the case, the nature of allegation levelled as against this petitioner, the fact that the petitioner is now married, the complaint has been lodged in the year 2021 for the occurrence took place in the year 2019 and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

5. 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for POCSO Act Case, Tirunelveli and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge 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/-
17/09/2021

/ 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,
SPECIAL COURT FOR POSCO ACT CASES,
TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ALANGULAM.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13787 of 2021
Date :17/09/2021

MSA
MK/VR/SAR.I/17.09.2021/3P/5C