



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13948 of 2021

Vinoth

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station
Thiruppathur, Sivagangai District
Crime No.09 of 2021.

... Respondent/Complainant

For Petitioner : M/s.A.DEVAKI,
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.09 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/ accused, who was arrested on 17.08.2021 for the offence under Sections 363 and 366 I.P.C and Section 5(1)(c) r/w Section 6 of POCSO Act, 2012, in Crime.No.09 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner who is aged about 22 years had physical relationship with a minor victim girl, who is aged about 17 years by promising that he would marry her. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. She further submitted that the petitioner is in jail for the past 34 days and hence, she seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the statement has been recorded from the victim under Section 164 Cr.P.C, in which, she has stated



that the petitioner and the victim loved each other and the petitioner had physical relationship with her. He would further submit that the investigation is almost completed.

5. Considering the facts and circumstances of the case, 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.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 Exclusive Trial of POCSO Act, 2012, Sivagangai 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/-

20/09/2021

/ 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 EXCLUSIVE TRIAL OF POCSO ACT, 2012,
SIVAGANGAI.

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



2.THE OFFICER INCHARGE
SUB JAIL, RAMANATHAPURAM

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION
THIRUPPATHUR, SIVAGANGAI DISTRICT

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

ORDER

IN

CRL OP(MD) No.13948 of 2021

Date:20/09/2021

SA/PN/SAR.2/20.09.2021/3P/5C