



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05.10.2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14521 of 2021

Prakash

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station, Sivakasi,
Viruthunagar District.
(Crime No.3 of 2021).

... Respondent/Complainant

For petitioner : Mr.P.R.PRITHIVIRAJ,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor(crl.side)

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

PRAYER :-

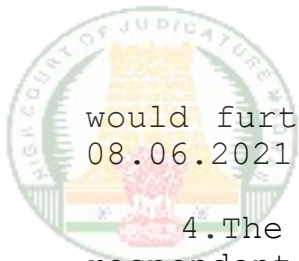
For Bail in Crime No.3 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 08.06.2021 for the offence under Sections 5(1), 5(j)(ii) r/w 6 of POCSO Act, 2012, in Crime No.3 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner by promising to marry the minor victim girl, who was studying 9th standard, had physical relationship with her and she also gave birth to a child. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that, without knowing the consequences, they loved each other and also had physical relationship. He would further submit that the petitioner is prepared to marry the victim girl after attaining the age of majority. The parents of the petitioner namely Karupaiah, S/o. Muthukudan and Lakshmi, W/o.Karupaiah have filed an undertaking affidavit before this Court that they agreed to arrange the marriage for the petitioner with the victim girl, after she becomes major. He



would further submit that the petitioner is inside the prison from 08.06.2021 and hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the investigating is yet to be completed.

5.Considering the affidavit filed by the petitioner's parents that they would arrange marriage for the petitioner with the victim after she attains majority and also the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

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 Cases under POCSO Act, 2012, Viruthunagar District at Srivilliputhur and on further condition 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.

7.The copy of the undertaking affidavit shall form part and parcel of this order.

8.The learned Additional Public Prosecutor appearing for the respondent police shall furnish the copy of the undertaking affidavit to the victim girl, forthwith.

sd/-

05/10/2021

/ 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 CASES
UNDER POCSO ACT, 2012,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 2.THE OFFICER INCHARGE
DISTRICT JAIL, DINDIGUL.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SIVAKASI,
VIRUTHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.14521 of 2021
Date :05/10/2021

SA/JM/SAR.1/05.10.2021/3P/5C