



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14640 of 2021

Suriya

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Palayamkottai Police Station, Palayamkottai,
Tirunelveli District.
In Crime No.182 of 2020.

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan, Advocate.
For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.182 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/ sole accused, who was arrested on 11.08.2021 for the offence under Sections 4, 5(1) and 6 of Protection of Children from Sexual Offences Act, 2012, in Crime.No.182 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner abducted the minor victim girl and married her. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner and the victim girl loved each other. When the victim's parents came to know the same, they arranged marriage for the victim girl with another man. On knowing the same, the victim eloped with the petitioner and got married. He would further submit that the petitioner has not committed any offence as alleged by the prosecution. He is in judicial custody from 11.08.2021 and hence, he seeks for grant of bail.

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

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married and now, she attained the age of majority. 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 POCSO Act Cases, 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 as and when required for interrogation.

[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/-
29/09/2021

/ 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 POCSO ACT CASES, TIRUNELVELI.

2 THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1 CC to Mr.N.PRAGALATHAN, Advocate (SR-6691[I] dated 29/09/2021)

ORDER

IN

CRL OP(MD) No.14640 of 2021

Date :29/09/2021

MK/VR/SAR.I/29.09.2021/3P/6C