



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/10/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14617 of 2021

Paulchamy ... Petitioner/ Sole Accused

Vs

The State rep.by
The Inspector of Police
Sivakasi All Woman Police Station
M.Pudupatti
Virudhunagar District
Crime No.128 of 2021

... Respondent/Complainant

For Petitioner : Mr.S.ALAGUSUNDAR, 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.128 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 21.08.2021 for the offence under Section 363 IPC and Section 7 r/w 8 of POCSO Act, 2012, in Crime.No.128 of 2021 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 had physical relationship with her. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner never committed any offence as alleged by the prosecution. The petitioner and victim girl loved each other and they are intending to marry. On knowing the same, the victim's father gave a false complaint by suppressing the real facts. Even now, the victim girl is ready to marry the petitioner. The petitioner is in judicial custody from 21.08.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor has produced the statement recorded from the victim under Section 164 Cr.P.C. 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.

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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 Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Virudhunagar District at Srivilliputhur 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 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 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 229-A IPC.

sd/-

04/10/2021

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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 JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, 2012,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.



2.THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

3.THE INSPECTOR OF POLICE
SIVAKASI ALL WOMAN POLICE STATION
M.PUDUPATTI
VIRUDHUNAGAR DISTRICT

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

ORDER

IN

CRL OP(MD) No.14617 of 2021

Date :04/10/2021

SA/SKN/SAR.4/04.10.2021/3P/5C