



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/10/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.14664 of 2021

P.Muthukumar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai.
Crime No.15 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.JOSEPH JERRY
Advocate.

For Respondent : Mr.A.THIRUVADI KUMAR,
Additional Public Prosecutor

For Intervener : Mr.G.KANNAN, Advocate

Court Appointed: Mr.J.ALAGURAM JOTHI,
Advocate/Mediator

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

PRAYER :-

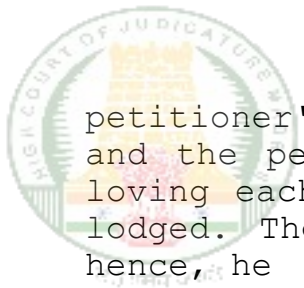
For Bail in Crime No.15 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 10.07.2021, for the offence punishable under Sections 5(1) and 6 of Protection of Child from Sexual Offences Act, 2012, in Crime No.15 of 2021 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner had physical relationship with the minor victim girl, who is aged about 16 years. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner was born on 19.05.2003. In his 10th standard, he has obtained 459 marks out of 500 and scored 80% marks in his Higher Secondary and now he is pursuing B.E., at PSG College of Engineering and Technology, Coimbatore. He would further submit that the



petitioner's mother is an Economics Teacher. Both the victim girl and the petitioner used to study in the same school and they are loving each other since then. While so, a false complaint has been lodged. The petitioner is languishing in jail from 10.07.2021 and hence, he prayed for grant of bail.

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4.The learned Additional Public Prosecutor has produced the statement recorded from the victim girl under Section 164 of Cr.P.C. He would further submit that the investigation is yet to be completed.

5.Today, the petitioner's parents have filed an undertaking affidavit, in which, they have stated that they would arrange the marriage for the petitioner with the victim girl, after she becomes major and in that regard, they are ready to conduct a betrothal, whereas, the father of the victim girl, who is the defacto complainant, in his affidavit stated that his daughter is not willing to marry the petitioner, because of the untoward incident.

6.Considering the facts and circumstances of the case, the nature of offence committed by the petitioner, the age of the victim girl as well as the petitioner, the fact that both are students, the affidavit filed by both parties and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition is ordered. The petitioner is directed 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, Madurai District 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 stay at Coimbatore and report before the Judicial Magistrate No.I, Coimbatore daily at 10.30 a.m. for a period of 30 days. The petitioner shall not visit Madurai till the final report is filed.

[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



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.

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/ /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, MADURAI DISTRICT.

2.THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUMANGALAM, MADURAI DISTRICT

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

COPY TO:

1.THE JUDICIAL MAGISTRATE NO.I, COIMBATORE.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
COIMBATORE DISTRICT.

ORDER

IN

CRL OP(MD) No.14664 of 2021
Date :08/10/2021

SA/SKN/SAR.4/08.10.2021/3P/7C