



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04/10/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14907 of 2021

KARTHIKEYAN

...PETITIONER/ SOLE ACCUSED

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ALANGUDI ALL WOMEN POLICE STATION,
PUDHUKOTTAI DISTRICT
CRIME NO.7 OF 2021.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.V.KATHIRVELU, Senior Counsel for
M/s.Prabhu K, Advocate.

For Respondent : MR.T.SENTHILKUMAR,
Additional Public Prosecutor (Crl.Side).

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

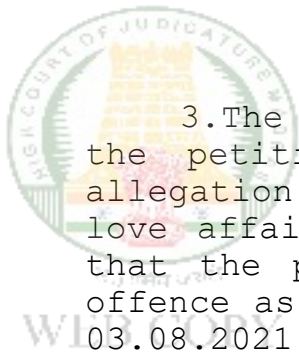
PRAYER :-

For Bail in Crime No.7 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/ sole accused, who was arrested on 03.08.2021 for the offence under Sections 14(2), 15(1) and 15(2) of POCSO Amendment Act, 2019 and Section 67(B)(a) of the Information Technology Act and Section 506(i) I.P.C, in Crime.No.7 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 are under prohibited relationship. The petitioner took pictures of the said act and threatened her not to say about it to anyone. Hence, the complaint.



3.The learned counsel appearing for the petitioner submits that the petitioner and the defacto complainant are relatives. The allegation stated in the complaint is not true and it was only a love affair in a prohibited relationship. He would further submit that the petitioner is an innocent and he has not committed any offence as alleged in the prosecution. He is inside the prison from 03.08.2021 and hence, he prays 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.He would further submit that the investigation is almost completed.

5.Considering the facts and circumstances of the case, the stage of the investigation and also the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent 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, Mahila Court, Pudukkottai 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 parents of the petitioner shall file an undertaking affidavit before the respondent police as well as before the trial Court that the petitioner will not indulge in such offence in future and will not intimidate the victim girl with any other photographs which he has said to have taken. On filing the undertaking affidavit, the concerned Judicial Magistrate shall accept the sureties.

[c]the petitioner shall appear before the respondent police daily twice ie. at 10.30 a.m and 05.30 p.m until further orders.

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/10/2021

WEB COPY

/ 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,
MAHILA COURT, PUDUKKOTTAI.
2. THE OFFICER-INCHARGE,
SUB JAIL, PUDUKKOTTAI.
3. THE INSPECTOR OF POLICE,
ALANGUDI ALL WOMEN POLICE STATION,
PUDUKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.PRABHU, Advocate (SR-6864[I] dated 04/10/2021

ORDER
IN
CRL OP(MD) No.14907 of 2021
Date :04/10/2021

msa
USK/SKN/SAR-IV/ (04.10.2021) 3P-6C