



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06.10.2021
PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15141 of 2021

Tamilselvam

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Aruppukottai, Virudhunagar District.
In Crime No.2 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.J.CHAKKARAVARTHY, Advocate.
for Mr.B.Muneeswaran, 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.2 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2 is facing a charge for the offence under Section 363 I.P.C and 5(1), 6 and 17 of POCSO Act,2012 and Sections 9 and 10 of the Tamil Nadu Prohibition of Child Marriage Act in SPL.S.C.No.25 of 2020 on the file of the Special Court for Exclusive trial of cases under POCSO Act, Virudhunagar District at Srivilliputhur.

2. Since the petitioner failed to appear before the trial Court, a Non Bailable Warrant of arrest was issued on 02.08.2021. On 12.09.2021, the petitioner was arrested on execution of Non Bailable Warrant and remanded to judicial custody.

3. The learned counsel for the petitioner submits that the petitioner is the father of first accused. The petitioner's son is ready to marry the victim girl after she becomes major and the same was deposed before the trial court by the victim girl.

4.The learned Additional Public Prosecutor submits that the petitioner failed to appear before the trial Court and therefore, a Non-Bailable Warrant of arrest was issued on 02.08.2021 and the

<https://hcservices.courts.gov.in/hcservices> secured only on 12.09.2021.



5.It appears that the case has been committed to the Court of Sessions and it is pending for trial.

6.Considering the facts and circumstances of the case, the stage of the case and also the period of incarceration, this Court is inclined to grant bail to the petitioner with stringent conditions:

7.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.1,00,000/-(Rupees one lakh 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, Virudhunagar District @ Srivilliputhur on further conditions that:

[a] the surety shall affix his photograph and Left Thumb Impression in the surety bond and the Judge may obtain a copy of his Aadhaar card or bank pass book to ensure his identity;

[b] if the petitioner absconds, action shall be taken as against the sureties and the amount undertook by the sureties shall be recovered from them;

c] the petitioner shall appear before the trial Court daily at 10.30 a.m till the completion of trial;

[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;

8.The trial Court is directed to expedite the trial and complete the trial within a period of six months from the date of receipt of copy of this order.

sd/-
06/10/2021

/ 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 SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15141 of 2021
Date :06/10/2021

PNM/MSA
MK/SKN/SAR.II/06.10.2021/3P/5C