



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

Date : 05/10/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15081 of 2021

RATHINAVEL

... PETITIONER/ SOLE ACCUSED

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
MATHUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME NO.78 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.S.Sarvagan Prabhu, Advocate.

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

PRAYER :-

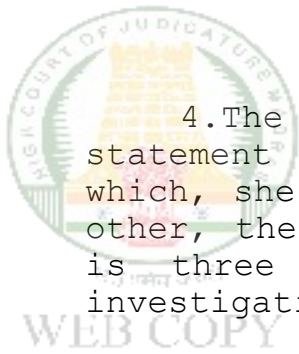
For Bail in Crime No.78 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 10.06.2021 for the offence under Section 363 IPC and Sections 5(1), 5(j) r/w 6(1) of POCSO (Amendment) Act, 2019 and Section 9 of Prohibition of Child Marriage Act, in Crime.No.78 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. He is in no way connected with the alleged occurrence. The petitioner is in judicial custody for the past 120 days 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, in which, she has stated that the petitioner and the victim loved each other, they have eloped, got married at Vayalur Temple and now she is three months pregnant. He would further submit that the investigation was completed and charge sheet was laid.

5.Considering the facts and circumstances of the case, the statement recorded from the victim girl under Section 164 Cr.P.C., the completion of the investigation, filing of final report 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 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 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 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]**.

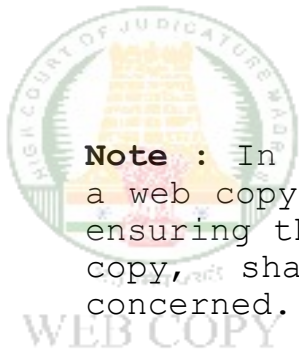
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/10/2021

/ 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 JUDGE,
MAHILA COURT, PUDUKKOTTAI.
2. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
3. THE INSPECTOR OF POLICE,
MATHUR POLICE STATION,
PUDUKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-6905[I] dated 05/10/2021)

ORDER
IN
CRL OP(MD) No.15081 of 2021
Date :05/10/2021

msa
USK/SKN/SAR-I/ (05.10.2021) 3P-6C