



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

Date : 08/10/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15390 of 2021

KARUPPASAMY

... PETITIONER/SOLE ACCUSED

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
AWPS-NAGERCOIL POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.43 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.S.Vasantha Yugesh, Advocate.
For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

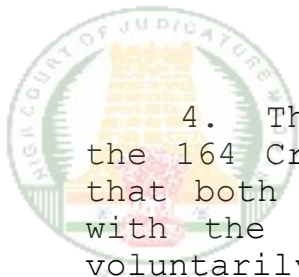
For Bail in Crime No.43 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 06.09.2021, for the offence punishable under Section 366 IPC and Sections 5(1) and 6 of POCSO Act, in Crime No.43 of 2021, seeks bail.

2. The case of the prosecution is that on 31.08.2021, the petitioner had taken away the daughter of the defacto complainant and sexually assaulted her.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence and he has been falsely implicated in this case. He further submits that the petitioner and the victim girl loved each other. On knowing the love affair of the victim girl with the petitioner, the defacto complainant tortured her and arranged for marriage. Therefore, the victim girl left her parental home and went to Tirunelveli. On knowing the same, the petitioner rescued her. But, the defacto complainant has lodged a false complaint against the petitioner. Now, the petitioner is inside the prison from 06.09.2021 Hence, he prayed for grant of bail.



4. The learned Additional Public Prosecutor produced a copy of the 164 Cr.P.C. statement of the victim girl, wherein, she stated that both of them loved each other and on knowing her love affair with the petitioner, her mother scolded her and therefore, she voluntarily went along with the petitioner.

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5. Considering the facts and circumstances of the case, the period of incarceration and also the fact that the petitioner and the victim girl loved each other and on knowing her love affair with the petitioner, her mother scolded her and therefore, she voluntarily went along with the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, 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 Judge, POCSO Court, Kanyakumari at Nagercoil 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 report before the respondent Police once in a week of every Monday at 10.30 am., until further orders.

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

[e] the petitioner shall not tamper with the evidence or witness 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 is 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]**.

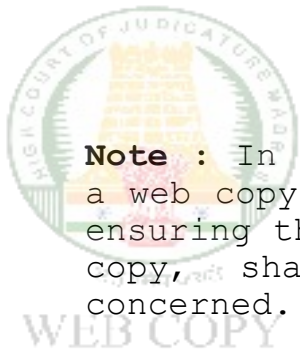
[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
08/10/2021

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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 SPECIAL JUDGE,
POCSO COURT, KANYAKUMARI AT NAGERCOIL.
2. THE OFFICER-INCHARGE,
DISTRICT JAIL, NAGERCOIL.
3. THE INSPECTOR OF POLICE,
AWPS-NAGERCOIL POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15390 of 2021
Date :08/10/2021

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USK/JM/SAR-IV/ (08.10.2021) 3P-5C