



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

Date : 25/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16090 of 2021

Hariharasudhan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Tallakulam Police Station,
Madurai City.
(Crime No.866/2021).

... Respondent/Complainant

For Petitioner : Mr.P.Saravanakumar,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

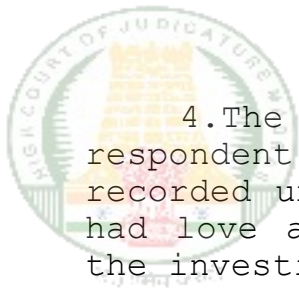
PRAYER :- For Bail in Crime No.866 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 04.08.2021 for the offence under Section 366 I.P.C and Sections 5(1)(q), 6, 9 r/w 10 of Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, in Crime No.866 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner, who is aged about 22 years had love affair with the minor girl, aged about 15 years and had physical relationship with her. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that, without knowing the consequences, they loved each other. He would further submit that the petitioner and the victim girl are relatives. Both are under prohibited relationship and therefore, there was no sexual assault as alleged in the prosecution. The petitioner is inside the prison for more than 78 days and hence, he prays for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent police has produced the statement of the victim girl recorded under Section 164 Cr.P.C, wherein, she has stated that she had love affair with the petitioner. He would further submit that the investigation is almost completed.

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5.Considering the facts and circumstances of the case, the statement recorded under Section 164 Cr.P.C from the victim girl, the stage of the case and also the period of incarceration, this Court is inclined to grant bail to the petitioner on certain 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, Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Madurai District and on further condition 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 appear before the respondent police daily twice ie. at 10.30 a.m and 05.30 p.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 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]**.

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

sd/-

25/10/2021

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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.

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TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, 2012,
MADURAI DISTRICT.
2. THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION,
MADURAI CITY.
3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.16090 of 2021
Date : 25/10/2021

PNM/MSA
MS/TR/SAR-4/25.10.2021/3P.5C