



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/10/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16366 of 2021

A.Siva ... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
K.Pudur Police Station,
Madurai.

Crime No.1086 of 2021. ... Respondent/Complainant

For Petitioner : Mr.S.Prem Kumar,
Advocate.

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

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

PRAYER :-For the bail in the Crime No.1086/2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/ sole accused, who was arrested on 09.09.2021 for the offence under Section 5(1),5(i)(ii) and 6 of Protection of Children from Sexual Offences Act, 2012, in Crime.No.1086 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 27 years had physical relationship with the victim girl, who is aged about 17 years by giving a promise that he would marry her. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner and the victim girl loved each other. When the victim was pregnant, the petitioner has approached her family members and expressed his willingness to marry the victim girl, but her mother was not willing their marriage. He further submitted that the petitioner is in judicial custody from 09.09.2021 and hence, he seeks 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, in which, she has stated that the petitioner and the victim girl loved each other. He would further submit that the substantial portion of investigation is completed.

5.Considering the facts and circumstances of the case, the statement recorded from the victim girl under Section 164 Cr.P.C., the stage of the investigation 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 Special Court for Exclusive trial of Cases under POCSO Act, Madurai 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 appear before the respondent police daily at 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/-
27/10/2021

/ 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



TO

1 THE PRINCIPAL SPECIAL POCSO COURT,
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
K.PUDUR POLICE STATION, MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.S.PREM KUMAR, Advocate (SR-7501[I] dated 27/10/2021)

ORDER

IN

CRL OP(MD) No.16366 of 2021

Date :27/10/2021

PNM/MSA

MK/SKN/SAR.II/27.10.2021/3P/6C