



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

Date : 01/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16770 of 2021

Thangamuneeswaran

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Virudhunagar.
(Crime No.11 of 2021)

... Respondent/Complainant

For Petitioner : Mr.T.Thirumurugan,
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.11 of 2021 on the file of the respondent police.

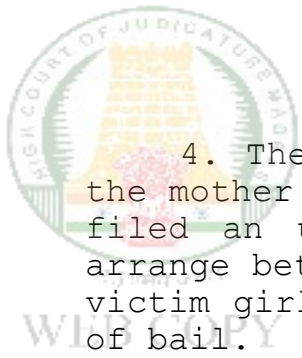
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 31.08.2021 for the offence under Sections 7, 8, 5(1),5(j)(ii) and 6 of POCSO Act, 2012, in Crime No.11 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant's younger daughter, who is aged about 17 years, had love affair with the petitioner and he had physical relationship with her and she became pregnant. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner and the victim girl loved each other. Due to the opposition of the parents of the victim girl, both ran away from the village. Thereafter, they were secured and the victim girl was not willing to go with her parents. Therefore, she was sent to home. The learned counsel for the petitioner further submits that the petitioner is prepared to marry the victim girl after she attains

<https://hdsresports.org.in/maservices/>



4. The learned counsel for the petitioner further submits that the mother of the petitioner namely Tmt. Veerammal, W/o.Marikani has filed an undertaking affidavit before this Court that she would arrange betrothal and solemnize the marriage between her son and the victim girl, after she attains majority. 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 and on her volition, she eloped with the petitioner.

5.Considering the facts and circumstances of the case, the period of incarceration, the statement of the victim girl recorded under Section 164 Cr.P.C and the undertaking affidavit filed by the mother of the petitioner before this Court that she would arrange betrothal and solemnize the marriage between her son and the victim girl, after she attains majority, 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, Virudhunagar District @ Srivilliputhur 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 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 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/-

01/11/2021

/ TRUE COPY /

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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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT, 2021,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, VIRUDHUNAGAR.

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

+1 CC to Mr.T.THIRUMURUGAN, Advocate (SR-7717[I] dated 01/11/2021)

ORDER

IN

CRL OP(MD) No.16770 of 2021

Date :01/11/2021

PNM/OGY

MK/SKN/SAR.I/01.11.2021/3P/6C