



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

Date : 29/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16764 of 2021

Maruthu

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Allanganallur Police Station,
Madurai District.
Crime No.314 of 2021.

... Respondent/Complainant

For Petitioner : Mr.N.Anandakumar,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.

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

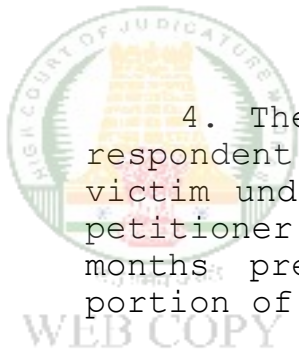
PRAYER :- For Bail in Crime No.314 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ sole accused, who was arrested on 08.07.2021 for the offence under Section 366 IPC and Sections 5(1), 5(j)(ii) and 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.314 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 21 years abducted the the minor girl, who is aged about 16 years and had physical relationship with her. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner and the victim girl loved each other and without knowing the consequences, the petitioner eloped with the victim girl and he did not commit any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 16.07.2021 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 and now she is nine months pregnant. 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/-
29/10/2021

/ 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.

WEB COPY

TO

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

ORDER

IN

CRL OP(MD) No.16764 of 2021

Date : 29/10/2021

PNM/MSA

MS/JM/SAR-2/29.10.2021/3P.5C