



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16936 of 2021

G.Siva, ... Petitioner/Petitioner/Sole Accused

Vs

State Rep by
The Inspector of Police,
Keeraithurai Police Station,
Madurai District.
Cr.No.630 of 2021. ... Respondent/Complainant

For Petitioner : Mr.V.B.Sundhareshwar,
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.630 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 04.09.2021 for the offence under Sections 5(1), 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No.630 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 01.09.2021, the petitioner kidnapped the victim girl and sexually harassed her.

3.The learned counsel appearing for the petitioner submits that the petitioner had love affair with the victim girl. Since the parents of the victim girl warned her and restricted her free movement, she insisted the petitioner to take her from her parental home. Hence, on the petitioner took away the victim girl. He would



further submit that there was no sexual assault as alleged in the prosecution. However, the petitioner is inside the prison from 04.09.2021 and hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that the petitioner and the victim girl loved each other. Since the parents of the victim girl opposed the same, the victim girl, on her volition, eloped with the petitioner.

5. Considering the facts and circumstances of the case, the period of incarceration and also the fact that it is a case of love affair and the victim girl on her volition eloped with the petitioner, 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 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

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM/OGY

<https://hcservices.ecourts.gov.in/hcservices/>



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,
The Special Court for Exclusive Trial
of Cases under POCSO Act, 2012,
Madurai District.
- 2.The Superintendent,
Central Prison, Madurai.
- 3.The Inspector of Police,
Keeraithurai Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.16936 of 2021
Date : 01/11/2021

TR/VR/SAR-I(01.11.2021) 3P 5C