



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/11/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.17000 of 2021

Devaki

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Perunazhi,
RamanathaPuram District.
(Crime No.28 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.Bharathi,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

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

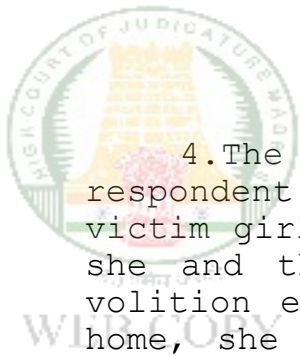
PRAYER :-For Bail in Crime No.28 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 15.10.2021, for the offence punishable under Sections 7,8 -POCSO Act 2006 @ 17, 6, 5 (1) POCSO Act and 366, 417, 420 of IPC 1860, in Crime No.28 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the sister's son of this petitioner, namely Denial, had kidnapped the victim girl, aged about 17 years and committed penetrative sexual assault. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent and she has been falsely implicated in this case. He would submit that there is a love affair between the first accused and the victim girl. Thereby, the victim girl had eloped with the first accused. Thereafter, on knowing the registration of the case, the victim girl returned to her home. He further submits that the petitioner has been suffering incarceration from 15.10.2021 and hence, he prays for grant of bail to the



4.The learned Additional Public Prosecutor appearing for the respondent police has produced the statement recorded from the victim girl under Section 164 Cr.P.C, in which, she has stated that she and the first accused loved each other and she on her own volition eloped with first accused and thereafter returned to her home, she also stated that her parents arranged her marriage with another person and performed her marriage before two months and now she is living with her husband peacefully.

5.Considering the facts and circumstances of the case, the statement recorded from the victim girl under Section 164 Cr.P.C., and the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered. The petitioner is directed to be released on bail on her 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 Judicial Magistrate, Ramanathapuram, and on further conditions that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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 229A IPC.

sd/-
02/11/2021

/ 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.

TO

- 1 THE JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
PERUNAZHI, RAMANATHAPURAM DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, NILAKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17000 of 2021
Date :02/11/2021

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MK/VR/SAR.IV/02.11.2021/3P/6C