



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.16967 of 2021

Saravanan

... Petitioner/Single Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
(Crime No.18 of 2021)

... Respondent/Complainant

For Petitioner : Mr.N.Sankar Ganesh,
Advocate.

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

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

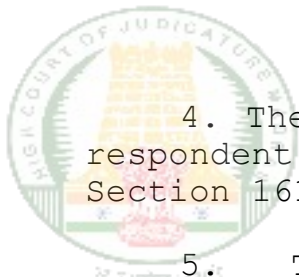
PRAYER :-For Bail in Crime No.18 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ sole accused, who was arrested on 23.09.2021 for the offence under Sections 366 IPC and Sections 5(1) and 6 of POCSO Act, in Crime No.18 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has committed sexual assault on the victim girl, who is aged about 17 years, when she returned from typewriting class. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner and the victim girl loved each other. Since the petitioner belongs to different community, the victim girl's family lodged this false complainant as against this petitioner. The petitioner has not committed any offence as alleged by the prosecution. However, he has been languishing in jail from 23.09.2021. Hence, he prays for grant of bail.



4. The learned Additional Public Prosecutor appearing for the respondent police produced a copy of the statement recorded under Section 161(3) Cr.P.C. and submits that it is a case of love affair.

5. Though statement of the victim girl under Section 164 Cr.P.C is not available, the statement recorded from the victim girl under Section 161(3) Cr.P.C. would reveal that there is a love affair between the petitioner and victim girl and she on her volition eloped with the petitioner.

5.Considering the facts and circumstances of the case, the period of incarceration and considering the statement of the victim girl recorded under Section 161(3) Cr.P.C. that both of them loved each other and on her volition, she eloped with the petitioner, 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 the Sessions Judge, Special Court for Exclusive trial of Cases under POCSO Act, Virudhunagar 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 ie. 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/-
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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT,
VIRUDHUNAGAR.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16967 of 2021
Date :02/11/2021

PNM/OGY
MK/SKN/SAR.IV/02.11.2021/3P/5C