



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19.11.2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17588 of 2021

Ajithkumar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Kovilpatti West Police Station,
Kovilpatti,
Thoothukudi District.
Crime No.879 of 2021

... Respondent/Complainant

For Petitioner : Mr.B.ARUN, 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.879 of 2021 on the file of the respondent police.

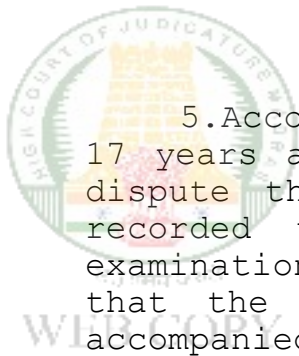
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 14.10.2021 for the offence under Sections 5(1) r/w 6 of POCSO Act 2012 in Crime No.879 of 2021 on the file of the respondent police, seeks bail.

2.The allegation against the petitioner is that he had physical relationship with the victim girl, who is aged about 17 years by giving a promise that he would marry her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the victim girl were in love with each other and the victim girl had voluntarily accompanied the petitioner. He would further submit that the petitioner is in judicial custody from 14.10.2021. Hence, he seeks bail.

4.The learned Additional Public Prosecutor for the respondent police has furnished the copy of the statement recorded from the victim girl under Section 164 Cr.P.C, in which, she has stated that the petitioner and the victim girl loved each other. He would further submit that the investigation is almost completed.



5. According to the prosecution, the victim girl is aged about 17 years and the petitioner is aged about 23 years. It is not in dispute that the statement of the victim girl had already been recorded under Section 164 of Cr.P.C. and that the medical examination report is yet to be received. It is also not in dispute that the victim and the petitioner were in love and she had accompanied the petitioner.

6. Considering the facts that the petitioner is in custody from 14.10.2021, that the investigation is almost completed except the receipt of the medical report and that on considering the statement of the victim girl recorded under Section 164 of Cr.P.C, this Court is inclined to grant bail to the petitioner.

7. Accordingly, 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, (FAC), Thoothukudi.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further order.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

19/11/2021

/ 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 SPECIAL JUDGE FOR EXCLUSIVE
TRIAL OF CASES UNDER POCSO ACT (FAC)
THOOTHUKUDI.

2 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
KOVILPATTI,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.B.ARUN, Advocate SR.No.8296

ORDER

IN

CRL OP(MD) No.17588 of 2021

Date :19/11/2021

SA/PN/SAR.4/19.11.2021/3P/6C