



WEB COPY

CrI. A.(MD)No.491 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 06.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

CrI. A. (MD)No.491 of 2021

Boopaathiraja

.. Appellant/Petitioner/
Accused NO. 1

Vs.

1.The Assistant Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
All Women Police Station,
Madurai.(Crime No.32 of 2021)

..Respondent 1 and 2/Respondents/Complainants

3.Xxxxxxx

Victim, Madurai. ..3rd Respondent/Respondent/Defacto Complainant

Prayer : This criminal appeal filed under Section 14-A(2) of SC/ST (POA) Amended Act, 2016, against the order passed in Cr.M.P.No.1227 of 2021, dated 17.11.2021, on the file of the Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai.

For Appellant

: Ms.K.M.Priscilla Jancy

For R1 & R2

: Mr.R.Suresh Kumar
Government Advocate

For R3

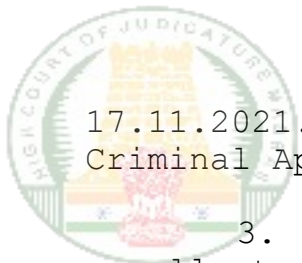
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JUDGMENT

This Criminal Appeal has been filed against the order passed in Cr.M.P.No.1227 of 2021, dated 17.11.2021, on the file of the Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai. and enlarge the appellant on bail.

2. A case in Crime No.32 of 2021 was registered by the respondent police, against the appellant, under Sections 366(A), 312 of I.P.C., Section 5(l), 5(j) (ii), 6 of POCSO Act and Sections 3(1) (r), 3(1) (r), 3(1) (s) Section 3(2) (v) of SC / ST (POA) Amendment Act. The appellant filed a petition for bail in Cr.M.P.No.1227 of 2021. That petition was dismissed by the Special Court on

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



17.11.2021. Against the same, the appellant has preferred this Criminal Appeal.

3. On the side of the appellant, it is stated that the appellant is in custody for the past 60 days. There is no previous case against the appellant. The victim was not a minor, she was aged about 24 years, even in the hospital records, her age is mentioned as 24 years. She had relationship with so many other persons and she is a drug addict and she involved in a criminal case. She demanded Rs.13,00,000/- from the appellant. Only to grab money, she has filed this false complaint and prayed the appellant to be released on bail.

4. On the side of the prosecution, it is stated that the appellant with a false promise of marriage, had illegal contact with her and later, he refused to marry her, since she belonged to downward community. Investigation is pending. The victim is aged 16 years at the time of occurrence and prayed the appeal to be dismissed.

5. Notice was served on the mother of the victim. She undertakes to make her daughter to represent the case on 03.12.2021. On that date, there was no representation on the side of the private respondent. Again, the matter was adjourned today (06.12.2021). Even today (06.12.2021), there was no representation on the side of the private respondent.

6. There is a dispute regarding the age of the victim. It is stated that the victim is doing second year Engineering Course. The appellant is in custody for the past 60 days. Major portion of the investigation might have been over by this time. On the side of the prosecution, medical examination was over.

7. In view of the above situation, this Court is inclined to release the appellant on bail. Hence, the Criminal Appeal is allowed and the Appellant is ordered to be released on bail, subject to the following conditions:

- (i) the appellant shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act,



Madurai., may obtain a copy of any valid identity proof to ensure their identity.

(iii) the appellant shall not tamper with evidence or witness either during investigation or trial.

(iv) the appellant shall cooperate with the investigation and the appellant shall appear before the second respondent and Court both during investigation and trial, as and when required.

(v) The appellant shall appear before the Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai, daily at 10.30 a.m until further orders;

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant 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]**.

SD

ASSISTANT REGISTRAR (A.D.-I)

TRUE COPY

/12/2021

SUB ASSISTANT REGISTRAR (CS)

Ls

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, Principal Special Court
for Exclusive Trial of Cases under POCSO Act,
Madurai.

2. The Assistant Commissioner of Police,
Madurai City, Madurai.



3.The Superintendent,
Central Prison, Madurai.

4.The Inspector of Police,
All Women Police Station,
Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

1CC TO MR. G.PRADEEP DHINAKARAN, ADVOCATE SR 37487

MGJ
06/12/2021
4P/7C

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