



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

PRESENT

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.OP(MD)No. 19922 of 2021

WEB COPY

Arunkumar

... Petitioner/Sole Accused

-vs-

The State through the
Inspector of Police,
Sellur Police Station,
Madurai

(Crime No.728 of 2021)

... Respondent/Complainant

For Petitioner : Mr.R.VENKATESAN, Advocate

For Respondent : Mr.MUTHUMANIKKAM,

Counsel for Government of Tamil Nadu (Crl.Side)

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

PRAYER :- For Bail in Crime No.728 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 29.09.2021 for the offences punishable under Sections 5(1), 6 of POCSO ACT, 2012 and Section 9 of Prohibition of Child Marriage Act in Crime No.728 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, on false promise of marrying the victim girl, had sexual relationship and thereafter refused to marry her.

3.The learned counsel for the petitioner submits that the petitioner was in love affair with the victim girl and since the parents of victim girl refused for the marriage, the relatives of the victim girl arranged marriage for her.

4.The learned Government Advocate (Crl.Side) would submit that the investigation is almost completed and the medical reports are yet to be received.

5. The earlier bail application was dismissed in Crl.O.P(MD) No.17808 of 2021, vide order dated 30.11.2021.

6.Considering the facts and circumstances of the case and also considering the facts that the petitioner is in judicial custody from 29.09.2021, and that the investigation is almost completed as stated by the learned Government Advocate (Crl.Side), this Court is



inclined to grant bail to the petitioner subject to the following conditions:

7. 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 Special Court for trial of Cases under POCSO Act, Madurai and on further condition that:

[a] 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.

[b] the petitioner shall report before the respondent police daily at 10.30 am. until further orders.

[c] the petitioner shall not tamper with evidence or witness.

[d] the petitioner shall not abscond during 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

15/12/2021

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/ /2021

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

TO

1 THE JUDGE

SPECIAL COURT FOR TRIAL OF CASES UNDER POCSO ACT, MADURAI.

2 THE SUPERINTENDENT

CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,

SELLUR POLICE STATION, MADURAI

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.19922 of 2021

Date :15/12/2021

SA/PN/SAR.2/15.12.2021/2P/5C

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