



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2021

PRESENT

WEB COPY

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.OP (MD)No. 20290 of 2021

Ajithkumar

... Petitioner/Sole Accused

-vs-

State rep. by
The Inspector of Police,
Sellur Police Station (L&O)
Sellur, Madurai City.
Crime No.274 of 2021

... Respondent/Complainant

For Petitioner : Mr.K.Saravanabagavathy, Advocate
For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.274 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 24.09.2021 for the offences punishable under Sections 366(A) of IPC and Section 5(1) of POCSO Act, 2012, in Crime No.274 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 would submit that the earlier bail application was dismissed by this Court in Crl.O.P(MD) No.17774 of 2021, vide order dated 30.11.2021. The learned counsel for the petitioner would further submit that the petitioner is in judicial custody from 24.09.2021 and the petitioner is innocent and he has been falsely implicated in this case, hence he seeks bail.

4.The learned Additional Public Prosecutor for the respondent police would submit that the investigation is almost completed and medical tests are over, and the medical reports are yet to be



received.

5.Considering the facts and circumstances of the case and also the fact that the petitioner is in judicial custody from 24.09.2021, and that the investigation is almost completed except the receipt of medical reports, as stated by the learned Additional Public Prosecutor, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.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 Special Court for POCSO Act Cases, Madurai.

[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/-
20/12/2021

/ TRUE COPY /

20/12/2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. The Judge, Special Court for POCSO Act Cases, Madurai.
2. The Superintendent, Central Prison, Madurai.
3. The Inspector of Police,
Sellur Police Station (L&O)
Sellur, Madurai City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.20290 of 2021

Date :20/12/2021

RS/PN/SAR1(20.12.2021) 3P-5C