



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20365 of 2021

WEB COPY

Mohanraj

... Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Sankarankovil,
Tenkasi District.
Crime No. 5 of 2019.

... Respondent/Complainant

For Petitioner : M/s.Indra Chithu T,
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.5 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

This petition has been filed to enlarge the petitioner on bail in connection with in Special Case.No.1 of 2020 on the file of the Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli.

2.The case of the prosecution is that the victim girl is aged about 17 years and the petitioner is aged about 21 years. The petitioner had sexual intercourse with the victim girl by giving a false promise that he will marry her. Thereafter, he refused to marry her. Hence, a case was registered in Crime No.5 of 2019 for the offence under Sections 366 & 376(3) of IPC r/w Section 5(1), 6 of Protection of Children from Sexual Offences Act, 2012. After completion of investigation, final report was filed before the learned Sessions Judge Special Court for POCSO Act Cases, Tirunelveli, and the same was taken on file in Spe.C.No.1 of 2020. Due to non appearance of the petitioner, warrant was issued against him on 03.12.2021 and it was executed on 04.12.2021 and subsequently, he was arrested and remanded to judicial custody on 04.12.2021. Hence, this petition.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he seeks bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that on the date of hearing, 2 witnesses present before the Court and this petitioner remain absent. In spite of information given to the concerned Advocate, he did not appear before the Court. So, on the very next day, warrant was issued against the petitioner. P.W.1, who is the victim girl was cross examined. Similarly, P.W.2 who is the mother of the victim girl was also cross examined yesterday.

5.The learned counsel for the petitioner would submit that he is ready to file an undertaking affidavit that he will appear before the concerned Court regularly and co-operate with the learned Judge to complete the trial process.

6.Considering the above said undertaking, this Court is inclined to grant bail to the petitioner with stringent conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge Special Court for POCSO Act Cases, Tirunelveli, and on further condition that the petitioner shall report before the concerned Magistrate daily at 10.30 a.m. until further orders.

8.The petitioner shall file an undertaking affidavit before the concerned Court that he will appear before the concerned Court regularly and co-operate with the learned Judge to complete the trial process. If any violation is noticed, the bail granted by this Court, shall stand automatically cancelled, without further reference either to this Court or to the Trial Court.

sd/-
23/12/2021

/ TRUE COPY /

23/12/2021
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



TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.
2. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SANKARANKOVIL, TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.20365 of 2021
Date :23/12/2021

MK/PN/SAR-4 (23.12.2021) 3P-5C