



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

Date : 09/02/2022

PRESENT

WEB COPY

**The Hon'ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD) . No.2550 of 2022

Vairavan

... Petitioner/Sole Accused

Vs

The State Rep. By,  
The Inspector of Police,  
All Women Police Station,  
Thuvaiyaru,  
Thanjavur District.  
Cr.No. 55 of 2018.

... Respondent/Complainant

For Petitioner : Mr.P.T.Ramesh Raja,  
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar  
Additional Public Prosecutor

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

PRAYER :-

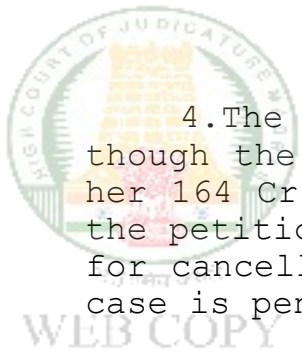
For Bail in Crime No.55 of 2018 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 17.11.2021 for the offences punishable under Sections 366(A), 506(i) IPC r/w 5(L) and 6 of POCSO Act in Crime No.55 of 2018 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that while the victim was at the age of 17 years and 3 months, she was enticed by the petitioner for marriage and they stayed in a lodge, where they had physical relationship for several times. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the victim has not implicated the petitioner in her 164 Cr.P.C. statement, that the petitioner is not having any bad antecedents and that the petitioner is in judicial custody from 17.11.2021. Hence, he seeks bail.



4.The learned Additional Public Prosecutor would submit that though the *defacto* complainant has not implicated the petitioner in her 164 Cr.P.C statement. Subsequently, when she came to the Court, the petitioner quarrelled with her, due to which, she filed petition for cancellation of bail. He would fairly concede that no previous case is pending against the petitioner herein.

5.It is not in dispute that the *defacto* complainant has filed an application in CrI.M.P.No.74 of 2019 for cancellation of bail and the learned Judge, allowed the petition on 07.08.2019 and issued NBW against the petitioner. It is not in dispute that NBW was executed and the petitioner was arrested on 17.11.2021 and remanded to judicial custody.

6.Considering the facts and circumstances of the case and also the facts that the case against the petitioner is in trial stage, that the petitioner is not having any previous case at his credit and that the petitioner is in judicial custody from 17.11.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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 Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge/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 trial Court daily at 10.30 a.m, on all working days, until further orders;

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 Judge/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 Judge/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/-

09/02/2022

/ TRUE COPY /

/ /2022

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 SESSIONS JUDGE,  
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,  
THANJAVUR.
2. THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
THUVAIYARU,  
THANJAVUR DISTRICT.
3. THE OFFICER-INCHARGE,  
SUB JAIL, PUDUKKOTTAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.RAMESH RAJA P.T. Advocate SR.No.950.

ORDER  
IN  
CRL OP(MD) No.2550 of 2022  
Date :09/02/2022

USK/SBN/SAR-II/10.02.2022/3P/6C