



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

Date : 09/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.2685 of 2022

WEB COPY

Bharathiraja @ Bharathi

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Pudukkottai,
Pudukkottai District.
(Crime No.26/2021).

... Respondent/Complainant

For Petitioner : Mr.D.Rameshkumar,
Advocate.

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

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

PRAYER :-

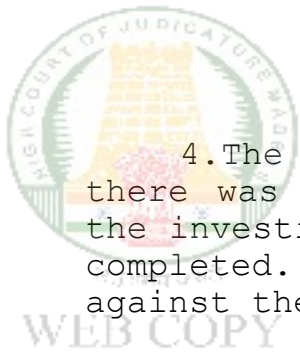
For Bail in Crime No. 26 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 19.11.2021 for the offences punishable under Sections 5(1) and 6 of POCSO Act and Section 9 of CMR Act in Crime No.26 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl was at the age of 16 years, developed love affair with the petitioner and the petitioner married the victim, without the knowledge of the defacto complainant. 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 was in love affair with the petitioner, that the investigation is almost completed, that the petitioner is not having any bad antecedents and that the petitioner is in judicial custody from 19.11.2021. Hence, he seeks bail.



4.The learned Additional Public Prosecutor would submit that there was love affair between the victim and the petitioner, that the investigation is almost completed and that the medical tests are completed. He would fairly concede that no previous case is pending against the petitioner herein.

5.Considering the facts and circumstances of the case and also the facts that the investigation is almost completed, that the medical tests are completed, as stated by the learned Additional Public Prosecutor, that that the petitioner is not having any bad antecedents and that the petitioner is in judicial custody from 19.11.2021, 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 learned Sessions Judge, Mahila Court (FAC), Pudukottai.

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 respondent police daily at 10.30 a.m, 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,
MAHILA COURT (FACT), PUDUKKOTTAI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2685 of 2022
Date :09/02/2022

USK/JM/SAR-I/09.02.2022/3P/5C