



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/03/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3700 of 2022

Karthick

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Keeranur,
Pudukkottai District.
Crime No.22/2021.

... Respondent/Complainant

For Petitioner : Mr.C.Nagamuthu,
Advocate.

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

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

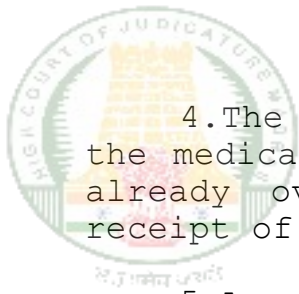
PRAYER :-For Bail in Crime No.22 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 03.01.2022 for the offence under Sections 5(1), 5(j)(ii) r/w 6 (1) of POCSO Amendment Act, in Crime No.22 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had physical relationship with the victim girl, who is aged about 16 years by giving a promise that he would marry her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the victim were on love, that since the parties are relatives, they have entered into a compromise and that the defacto complainant, who is the mother of the victim has also given an affidavit that they are not having any objection to grant bail to the petitioner.



4.The learned Additional Public Prosecutor would submit that the medical examination of both the petitioner and the victim were already over and investigation is almost completed except the receipt of the medical reports.

5.As rightly contended by the learned Additional Public Prosecutor that since the offences are under the POCSO Act, the question of accepting or recording the compromise/settlement does not arise.

6.Considering the facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 03.01.2022 and that the investigation is almost completed except the receipt of the medical reports, this Court is inclined to grant bail to the petitioner.

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 Sessions Judge, Mahila Court, Pudukottai.

i) 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.

ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further order.

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 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
01/03/2022

/ 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, PUDUKKOTTAI
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3 THE SUPERINTENDENT,
DISTRICT JAIL, PUDUKKOTTAI.
- 4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KEERANUR,
PUDUKKOTTAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3700 of 2022
Date :01/03/2022

DAS
MK/PN/SAR.III/01.03.2022/3P/6C