



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/03/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.4257 of 2022

A.Harrish Padmakumar

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Kanyakumari District.
Crime No.4/2022.

... Respondent/Complainant

For Petitioner : Mr.S.Ayyanar Premkumar,
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.4 of 2022 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 03.02.2022 for the offences punishable under Sections 450 and 305 of IPC and Section 11(4), 12, 3 and 4 of POCSO Act, 2012, in Crime No.04 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner by giving false promise to marry the victim girl, who is aged about 17 years, had sexual intercourse with her and thereafter, refused to marry her. Thereby, the victim girl attempted to commit suicide on 02.02.2022. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the de-facto complainant were in love and now, the petitioner undertakes to marry the victim girl, who is now aged about 18 years and he has also filed an undertaking affidavit to



4.The learned Additional Public Prosecutor would submit that the victim is aged above 17 years, that the medical examinations are already over and that the investigation is almost completed except the receipt of the medical reports.

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5.Considering the above facts and circumstances and also taking note of the undertaking affidavit given by the petitioner and also the facts that the medical examinations are already over, that the investigation is almost completed except the receipt of the medical reports, that the petitioner is not having any bad antecedents and that the petitioner is in judicial custody from 03.02.2022, 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 Special Court for Exclusive Trial of Cases under POCSO Act, Kanniyakumari at Nagercoil.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Special 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 Special 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 Special 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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/03/2022

/ TRUE COPY /

22/03/2022
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 SPECIAL JUDGE FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
KANYAKUMARI DISTRICT AT NAGERCOIL.

2 THE OFFICER INCHARGE,
SUB JAIL, NAGERCOIL,
KANYAKUMARI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.S.SURESH KUMAR, Advocate (SR-2287[I] dated 22/03/2022)

ORDER

IN

CRL OP(MD) No.4257 of 2022

Date :22/03/2022

SJI

MK/PN/SAR.III/22.03.2022/3P/6C