



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/03/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4352 of 2022

Thangeswaran

... Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Sattur,
Virudhunagar District.
(Crime No.20/2021)

... Respondent/Complainant

For Petitioner : MR.P.Saravanakumar,
Advocate.

For Respondent : Mr.M.Sakthikumar,
Government Advocate (Crl.Side)

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

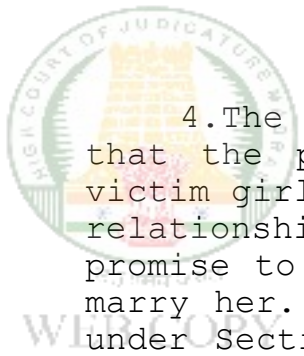
PRAYER :-For Bail in Crime No.20 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 24.12.2021 for the offences punishable under Sections 5(1) r/w 6 and 7 r/w 8 of POCSO Act, 2012, in Crime No.20 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused had made a false promise to the victim girl as if he had fallen in love with her and he had trespassed into the house of the victim and committed physical relationship on many times and thereafter, refused to marry her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the victim girl were in love for the past five years, that he is innocent person and that he has been falsely implicated in this case.



4.The learned Government Advocate (Crl. side) would submit that the petitioner and the victim girl were in love, that the victim girl is aged above 17 years, that the petitioner had physical relationship with the victim girl on several times by giving false promise to marry her and that thereafter, the petitioner refused to marry her. He would further submit that in the statement recorded under Section 164 Cr.P.C from the victim girl, she stated that she was in love with the petitioner and that they were in physical relationship.

5.When the matter is taken up for hearing today, the learned counsel for the petitioner has filed an undertaking affidavit sworn by the petitioner, wherein, he has specifically given an undertaking that he would marry the victim girl after she attaining the age of majority. It is not in dispute that the victim girl is aged above 17 years.

6.The learned Government Advocate (Crl. side) would further submit that the investigation has already been completed and the charge sheet has already been filed and the same was taken on file in Spl.S.C.No.25 of 2022 and is pending on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Srivilliputtur.

7.Considering the above facts and circumstances and also taking note of the undertaking affidavit given by the petitioner and also the facts that the petitioner is in judicial custody from 24.12.2021 and that the investigation has already been completed and the charge sheet has already been filed before the Sessions Judge, Special Court for POCSO Act Cases, Srivilliputtur, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8.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, Special Court for Exclusive Trial of Cases under POCSO Act, Virudhunagar District.

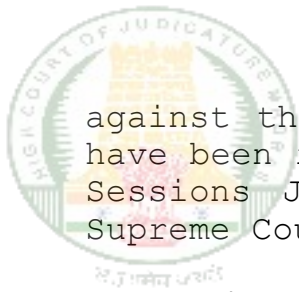
(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Special Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the concerned Court 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 Sessions Judge, Special 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 Sessions Judge/Special 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/-
14/03/2022

/ TRUE COPY /

14/03/2022
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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, VIRUDHUNAGAR DISTRICT.

2 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, STATTUR,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to MR.P.KALAIYARASI BHARATHI, Advocate (SR-1992[I] dated 14/03/2022)

ORDER
IN
CRL OP(MD) No.4352 of 2022
Date :14/03/2022

SJI
MK/VR/SAR.IV/14.03.2022/3P/6C