



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10.03.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4434 of 2022

Surya

... Petitioner/Accused

Vs

The State Rep. by
The Inspector of Police,
Pudukkottai All Woman Police Station,
Pudukkottai District.
(Crime No.33 of 2021)

... Respondent/Complainant

For Petitioner : Mr.P.AJU TAGORE
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.33 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 01.01.2022 for the offences punishable under Sections 294(b) of IPC r/w 5(1) r/w 6(1) of Protection of Child from Sexual Offences Act, 2019, in Crime No.33 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the de-facto complainant's daughter were in love and he had physical relationship with her, due to which, there was a dispute between the petitioner's uncle and the de-facto complainant's son, in which, the petitioner assaulted the de-facto complainant's son. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the de-facto complainant's daughter were in love and the same was opposed by the de-facto complainant/father of the victim.

4.The learned Additional Public Prosecutor would submit that in the statement recorded under Section 164 of Cr.P.C. from the victim

<https://hcservices.ecourts.gov.in/hcservices/>



girl, she has only alleged that she was in love with the petitioner and that they were in contact only through the phone. He would further submit that the investigation is completed and the charge sheet has been laid before the concerned Court and the same was not taken on file.

WEB COPY

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 01.01.2022 and also the facts that the investigation is completed and the charge sheet has been laid before the concerned Court, 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, Pudukkottai.

(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 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 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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

10/03/2022

/ TRUE COPY /

10/03/2022

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,
MAHILA COURT, PUDUKKOTTAI.
- 2 THE OFFICER INCHARGE
DISTRICT PRISON, PUDUKKOTTAI.
- 3 THE INSPECTOR OF POLICE,
PUDUKKOTTAI ALL WOMAN POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. AJU TAGORE P Advocate SR.No.1871

**ORDER
IN**

CRL OP(MD) No.4434 of 2022
Date :10/03/2022

SA/VR/SAR.2/10.03.2022/3P/6C