



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/03/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.4577 of 2022

Esakkimuthu Balan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Tisaiyanvilai Police Station,
Tirunelveli District.
(Crime No.17 of 2022).

... Respondent/Complainant

For Petitioner : Mr.T.A.Ebenezer,
Advocate.

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

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

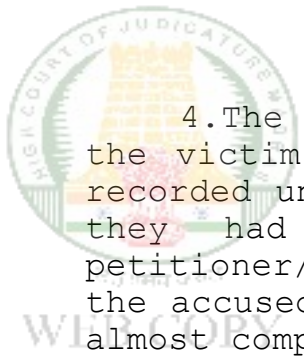
PRAYER :-For Bail in Crime No.17 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 21.01.2022 for the offence punishable under Section 361 read with Section 5(1) r/w 6 of Protection of Child from Sexual Offences Act, in Crime No.17 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant's daughter were in love and both of them had eloped and that the petitioner had committed sexual intercourse with the victim girl, who is aged about 17 years. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner and the victim girl were in love and both of them had eloped and that they had physical relationship.



4.The learned Additional Public Prosecutor would submit that the victim girl is aged about 17 years and that in the statement recorded under Section 164 Cr.P.C., the victim girl has stated that they had sexual intercourse and she has left with the petitioner/accused. He would further submit that medical tests of the accused and the victim girl are over and that investigation is almost completed except receiving the medical test report.

5.Considering the above facts and also the facts that the petitioner is in judicial custody from 21.01.2022, that investigation is almost completed and that the petitioner is not having any bad antecedents, 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 Judicial Magistrate, Nanguneri.

(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/-
17/03/2022

/ TRUE COPY /

17/03/2022
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 JUDICIAL MAGISTRATE,
NANGUNERI.
- 2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
TISAIYANVILAI POLICE STATION, TIRUNELVELI DISTRICT
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4577 of 2022
Date :17/03/2022

CSM
MK/VR/SAR.IV/17.03.2022/3P/6C