



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 20/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.5524 of 2022

Achappan

... Petitioner/Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Virudhunagar,
Virudhunagar District.
(Crime No.2/2022)

... Respondent/Complainant

For Petitioner : Mr.G.Mariappan,
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.2/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 05.02.2022 for the offences punishable under Section 506 (i) IPC and Section 7 r/w 8 and Section 5(1) r/w 6 of Protection of Child from Sexual Offence Act, 2012, in Crime No.2 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 the victim girl, who is aged 16 years, as if he had fallen in love with her, had committed aggravated penetrative sexual assault two times. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the victim girl were in love, that the parents of the petitioner as well as the mother of the victim girl had decided to solemnize the marriage between them after the victim girl attains majority and that the medical examination of the victim and the

<https://hcservices.com.in/hcservices/>



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

5.Today, when the matter is taken up for hearing, the learned counsel for the petitioner has filed an undertaking affidavits sworn by the petitioner, parents of the petitioner as well as the mother of the victim girl to the effect that the petitioner will marry the victim girl, after she attains majority. Recorded.

6.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 05.02.2022, that the medical examination was already over and that the investigation is almost completed as stated by the learned Additional Public Prosecutor, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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 Special Judge for Exclusive Trial of Cases under POCSO Act, 2012, Virudhunagar District at Srivilliputtur.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Special Judge/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 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/-
20/04/2022

/ TRUE COPY /

20/04/2022
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 OF POCSO ACT, 2012,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.

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

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

+1 CC to Mr.G.MARIAPPAN, Advocate (SR-3553[I] dated 20/04/2022)

ORDER

IN

CRL OP(MD) No.5524 of 2022

Date :20/04/2022

SJI

MK/PN/SAR.IV/20.04.2022/3P/6C