



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5372 of 2022

Vinoth

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Aranthangi,
Pudukkottai District
(Crime No. 3 of 2022).

... Respondent/Complainant

For Petitioner : M/s.SURESH.M.,
Advocate.

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

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

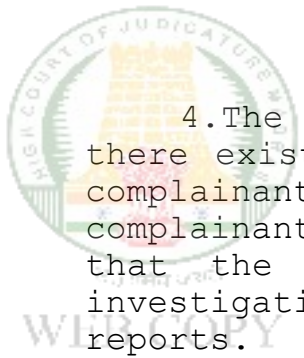
PRAYER :- For Bail in Crime No. 3 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 10.02.2022 for the offences punishable under Section 363 IPC and Section 5(j)(ii) r/w 6(1) of POCSO Act, in Crime No.3 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the de-facto complainant were in love and on 17.02.2021 and the petitioner brought the de-facto complainant and went to Keerappalayam at Pondicherry and they stayed there for three months and the petitioner had also sexual intercourse with her. Thereafter, the petitioner started having a relationship with other lady. When the same was questioned by the de-facto complainant, there was a wordy quarrel between them. Hence, the complaint.

3.The learned counsel for the petitioner has filed an undertaking affidavit sworn by the petitioner, wherein, the petitioner has stated that on the advice of both family elders, the matter was amicably settled, that he undertakes to marry the de-facto complainant and that he will not indulge in any other criminal case in future and he will be available for the entire trial.



4.The learned Additional Public Prosecutor would submit that there existed love affairs between the petitioner and the de-facto complainant, who is now aged above 17 years and that the de-facto complainant is now three months pregnant. He would further submit that the medical examinations are already over and that the investigation is almost completed except the receipt of the medical reports.

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 petitioner is in judicial custody from 10.02.2022 and that the medical examinations are already over, that the investigation is almost completed except the receipt of the medical reports 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 Sessions Judge, Mahila Court, Pudukkottai.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/Mahila 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/Mahila 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/Mahila 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/-

28/03/2022

/ TRUE COPY /

28/03/2022

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.

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



TO

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

ORDER

IN

CRL OP(MD) No.5372 of 2022

Date :28/03/2022

SA/VR/SAR.3/28.03.2022/3P/5C