



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/04/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.5719 of 2022

Karuppasamy @ Sangili Karuppasamy ... Petitioner/Sole Accused

Vs

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

... Respondent/Complainant

For Petitioner : Mr.K.Veilmuthu,
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.2 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 22.01.2022 for the offences punishable under Section 366 IPC and Sections 5(I), 5(j)(ii) and 6 of POCSO 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 and the defacto complainant were in love and the petitioner by giving false promise to the defacto complainant, who is aged 16 years, had sexual intercourse with her several times, due to that, the defacto complainant got pregnant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant were in love, that the defacto complainant is aged 17 years and 11 months and that the petitioner is ready to marry the defacto complainant after release on bail. He has filed an undertaking affidavit sworn by the



petitioner, wherein, the petitioner has specifically stated that after the defacto complainant attains majority, he will marry her and register the marriage.

4.The learned Additional Public Prosecutor would submit that medical examinations are already over and that investigation is almost completed except receiving the medical tests report. He would further submit that there existed love affairs between the petitioner and the defacto complainant, that the defacto complainant is now aged above 17 years and that the petitioner is not having any previous cases.

5.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 22.01.2022 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 No.II, Virudhunagar.

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

sd/-
07/04/2022

/ TRUE COPY /

07/04/2022
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 JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.
 - 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.
 - 4 THE INSPECTOR OF POLICE
SIVAKASI ALL WOMEN POLICE STATION, SIVAKASI,
VIRUDHUNAGAR DISTRICT
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to MR.K.VEILMUTHU, Advocate (SR-3097[I] dated 07/04/2022)

ORDER
IN
CRL OP(MD) No.5719 of 2022
Date :07/04/2022

CSM
MK/PN/SAR.IV/07.04.2022/3P/7C