



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

Date : 19/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.6166 of 2022

WEB COPY

Mathan

... Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Marthandam, Kanyakumari District.
(Crime No.65 of 2021).

... Respondent/Complainant

For Petitioner : Mr.A.Balakrishnan,
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.65 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 18.01.2022 for the offences punishable under Section 366 IPC altered into Section 366 IPC and Sections 11(4), 12, 5(1) and 6 of POCSO Act, in Crime No.65 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 28.12.2021, the defacto complainant's second daughter left the home and never come back, for which, the defacto complainant lodged a complaint before the respondent police, that after investigation, the respondent police found that the victim girl and the petitioner went to Melmidalam and stayed the petitioner's friend house upto 02.01.2022 and that the victim girl has given a confession statement stating that the petitioner had committed penetrative sexual assault on her repeatedly and on the basis of which, the respondent police had altered the section.

3.The learned counsel for the petitioner would submit that the petitioner and the victim girl were in love, that the victim girl had voluntarily left her home and gone with the petitioner and that the petitioner was arrested on 18.01.2022 and is in judicial custody till now.



4.The learned Additional Public Prosecutor would submit that investigation has already been completed and charge sheet has been filed before the concerned Court yesterday. He would further submit that the victim was born on 10.01.2004.

5.Considering the above facts and circumstances and also the facts that investigation has already been completed and charge sheet has been filed, that the petitioner is not having any bad antecedents and that the petitioner is in judicial custody from 18.01.2022, 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 Special Court for Exclusive Trial of Cases under POCSO Act, Kanyakumari at Nagercoil.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Sessions 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., for a period of one month and thereafter as and when required for interrogation;

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

sd/-
19/04/2022

/ TRUE COPY /

19/04/2022

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.

WEB COPY

1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
KANYAKUMARI AT NAGERCOIL.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MARTHANDAM,
KANYAKUMARI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.

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

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-3470[I] dated
19/04/2022)

ORDER
IN
CRL OP(MD) No.6166 of 2022
Date :19/04/2022

RS/VR/SAR.3 (19.04.2022) 3P-6C