



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.9440 of 2022

S.Gurunathan

... Petitioner/Accused

Vs

The State rep.by,
The Inspector of Police,
Thallakulam Police Station,
Madurai District
(Crime No.269 of 2022)

... Respondent/Complainant

For Petitioner : Mr.S.Ramakrishnan,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.269 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who was arrested on 04.04.2022 for the offences under Sections 4 of Non Act, Section 366 of IPC, Sections 5 (i)(ii), 5(I), 6 of POSCO Act and Section 9 of the Prohibition of Child Marriage Act, 2006, in Cr.No.269 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had exploited and committed penetrative sexual assault on the victim girl aged 17 years with false promise of marry her. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner and the victim girl loved each other and when they asked the permission of the parents for marriage, they denied for the same and lodged a false complaint. He further submits that now petitioner married the defacto complainant's daughter.



4.The learned Additional Public Prosecutor for the respondent police objected for grant of bail and produced the copy of the statement recorded under Section 164 Cr.P.C.

5.On a perusal of the victim girl's statement, it is seen that the petitioner married the defacto complainant and investigation is almost completed and the petitioner is in judicial custody from 04.04.2022.

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 District Sessions Judge (Special Court for POCSO Act Cases), Madurai.

(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 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 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]***.

sd/-

18/05/2022

/ TRUE COPY /

18/05/2022

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 DISTRICT SESSIONS JUDGE
(SPECIAL COURT FOR POCSO ACT CASES), MADURAI.



2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
THALLAKULAM POLICE STATION, MADURAI DISTRICT

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

+1. C.C. to Mr.S.Ramakrishnan, Advocate SR.No.4755.

ORDER
IN
CRL OP(MD) No.9440 of 2022
Date :18/05/2022

TTA
MK/JM/SAR.II/18.05.2022/3P/6C