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CRL OP(MD). N



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

Date : 07/09/2022

PRESENT

The Hon`ble Mrs.Justice **R.THARANI**

CRL OP(MD). No.16049 of 2022

K.Arunkumar

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Austinpatti Police Station,
Madurai District
(Crime No.149 of 2022)

... Respondent/Complainant

For Petitioner : Mr.K.Dinesh,
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.149 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 26.07.2022 for the offences punishable under Sections 5(1) and 6 of POCSO Act, 2012 in Crime No.149 of 2022, on the file of the respondent police, seeks bail.

2.The allegation against the petitioner is that the petitioner had sexual intercourse with the victim girl against her consent. Hence, the complaint.

3.On the side of the petitioner, it is stated that the victim girl is 16 years old, in the complaint, it is mentioned that she only invited the petitioner and compelled him to marry her and prayed the petitioner to be released on anticipatory bail.

4.On the side of the prosecution, it is stated that at the time of occurrence, the de-facto complainant is only 15 years old. The petitioner and the victim girl loved each other for the past four years and on her own volition, she went with the petitioner.

<https://www.mhc.go.in/judis>



5. Considering the submissions made by both sides and on considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Principal Special Court for trial of cases under POCSO Act, 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 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 be present before the Court on hearing dates and before the respondent police as and when required;

(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 / petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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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 SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT FOR TRIAL OF
CASES UNDER POCSO ACT, MADURAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE
AUSTINPATTI POLICE STATION, MADURAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16049 of 2022
Date :07/09/2022

SJI
MK/VR/SAR.I/07.09.2022/3P/5C