



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

Date : 08/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.16240 of 2022

P.Suresh

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Vanniamatti Police Station,
Virudhunagar District.
Crime No.228/2021.

... Respondent/Complainant

For Petitioner : M/s.V.Vilmarexy, Advocate
for Mr.M.Sankar, 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.228/2021 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 22.03.2022 for the offences punishable under Section 376(3) IPC and Sections 5(I), 5(n), 5(j)(ii) r/w Section 6 of POCSO Act, 2012 in Crime No.228 of 2021, on the file of the respondent police, seeks bail.

2.The allegation against the petitioner is that the petitioner married the victim girl, who is aged about 17 years and he had committed sexual intercourse with her. As a consequence, the victim girl became pregnant.

3.On the side of the petitioner, it is stated that the petitioner is innocent and he is in judicial custody from 22.03.2022 and prayed the petitioner to be released on bail.



4. On the side of the prosecution, it is stated that the petitioner was aged about 16 years at the time of occurrence. The petitioner is already a married man having two children. The investigation was completed and the charge sheet was already filed before the concerned Court and the same was taken on file in C.C.No.114 of 2022.

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5. Considering the period of incarceration and on considering the fact that the investigation was completed and the charge sheet was already filed before the concerned Court and the same was taken on file in C.C.No.114 of 2022, 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, Special Court for POCSO Act Cases, Virudhunagar.

(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., until further orders;

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

sd/-

08/09/2022

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08/09/2022

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

+1. CC to M/S.SANKAR M Advocate SR.No.43963 (F).

ORDER
IN
CRL OP(MD) No.16240 of 2022
Date :08/09/2022

SJI
USK/VR/SAR-II/08.09.2022/3P/6C