



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

Date : 04/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.19515 of 2022

Karuppaiah @ Raja

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station, Aranthangi,
Pudukkottai District.
Crime No.16 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Suresh M, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.16 of 2022 on the file of the Respondent Police.

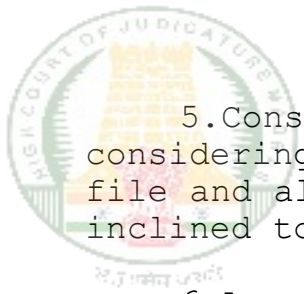
ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 15.08.2022 for the offences punishable under Sections 5(1), 5(j) (ii) r/w. 6(1) of POCSO Amendment Act, 2019 in crime No.16 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on giving false promise to marry the victim, who is aged about 15 years, the petitioner had sexual intercourse with her and subsequently, she became pregnant and delivered a boy baby. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 15.08.2022 and hence, he may be granted bail.

4.The learned Government Advocate (Crl. Side) would submit that the both the victim and the accused loved each other and that petitioner had sexual intercourse with the victim, who is aged about 15 years and now, she delivered a baby. He would further submit that the investigation of the case has already been completed and the final report was filed and the charge sheet is yet to be taken on file by the concerned Magistrate.



5. Considering the facts and circumstances of the case so considering the fact that the charge sheet is yet to be taken on file and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner on 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, Mahila Court, Pudukkottai;

(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 appear before the concerned Court 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

04/11/2022

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SESSIONS JUDGE, MAHILA COURT, PUDUKKOTTAI.

2 THE OFFICER INCHARGE, DISTRICT PRISON, PUDUKKOTTAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, ARANTHANGI, PUDUKKOTTAI DISTRICT.

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

ORDER IN

CRL OP(MD) No.19515 of 2022

Date : 04/11/2022

TRP

SA/VR/SAR. /04.11.2022/2P/5C

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