



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

Date : 28/11/2022

PRESENT

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

CRL OP(MD). No.20971 of 2022

WEB COPY

S.Ganesamoorthi

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Karivalamvandhanallur Police Station,
Tenkasi District.
(Crime No.351 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Selvam R, 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.351 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 04.10.2022 for the offences punishable under Section 5(1) and 6 of Protection of Children from Sexual Offences Act, in Crime No.351 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant, who is the father of the victim girl lodged a complaint before the respondent police stating that his daughter, who is aged about 17 years was found missing. Thereafter, on investigation, it reveals that the petitioner and the victim girl were fell in love with each other. When the victim girl came to her native on holidays, the petitioner had sexual relationship with the victim girl. Subsequently, on 29.08.2022, the petitioner had taken the victim girl to his house and stayed there. During that time, the petitioner had sexual relationship with the victim girl on many occasions.

3.The learned counsel for the petitioner would submit that the petitioner and the victim girl were fell in love with each other for the past one year. On knowing the love affair, the father of the victim girl arranged the marriage for her with another person against her will. Hence, she left from her parent home and came to



the petitioner's home. He would further submit that the petitioner is innocent and he did not commit any offence as alleged by the prosecution and the petitioner is in judicial custody from 04.10.2022 and hence he may be released on bail.

4.The learned Additional Public Prosecutor submitted that there is a love affair between the petitioner and the victim girl and the petitioner had committed penetrative sexual assault on the victim girl, who is aged about 17 years and the statement of the victim girl has also been recorded under Section 164 Cr.P.C. He would further submit that in this case, four witnesses have been examined so far and the investigation is not yet completed. Hence, he strongly opposed to grant bail.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and the statement of the victim girl recorded under Section 164 of Cr.P.C and also the fact that four witnesses have already been examined, 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, Special Court for POCSO Act Cases, Tirunelveli.

(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 not abscond during trial.

(v)On breach of any of the aforesaid conditions, the learned Sessions Judge/concerned 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/concerned Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

sd/-

28/11/2022

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28/11/2022

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



TO

1 THE SESSIONS JUDGE, SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE, KARIVALAMVANDHANALLUR POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.R.SELVAM, Advocate (SR-13805[I] dated 28/11/2022)

ORDER

IN

CRL OP(MD) No.20971 of 2022

Date :28/11/2022

CP

RS/VR/SAR.(28.11.2022) 3P-6C