



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 24/11/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.20783 of 2022

Vetrymani

... Petitioner/Sole Accused

Vs

The State Rep.by  
The Sub Inspector of Police,  
Samayanallur All Women Police Station,  
Madurai District.  
Crime No.20/2022.

... Respondent/Complainant

For Petitioner : M/s.Vinothkumar B,  
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.20/2022 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 29.09.2022 for the offences punishable under Sections 5(i) and 5(j)(ii) r/w 6 of Protection of Child From Sexual Offences Act, 2012, in crime No.20 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the victim girl, who is aged about 17 years developed love through instagram. Thereafter, on 12.01.2022, the accused by giving false promise to marry the victim girl, had committed sexual intercourse with her and as a result, the victim girl became pregnant. In the meanwhile, on 22.09.2022, the victim girl delivered a premature girl baby. Based on the complaint given by the Protection Officer, District Child Protection Unit, Department of Social Defence Collectorate, Madurai, the present complaint has been registered against the petitioner.



3.The learned counsel for the petitioner would submit that the petitioner and the victim girl loved each other and also lawfully performed marriage, that was accepted by both families and hence, the petitioner and the victim girl lived under the same roof. He would further submit that the petitioner is in judicial custody from 29.09.2022. Hence, he may be released on bail.

4.The learned Additional Public Prosecutor would submit that it is a case of love affair and the statement of the victim girl was recorded under Section 164 of Cr.P.C. and major part of the investigation is almost over and awaiting for DNA report. However, considering the gravity of offence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the facts that the statement of the victim girl was recorded under Section 164 of Cr.P.C. and major part of the investigation is almost over, 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 Special Court, Exclusive Trial of Cases under POCSO Act, Madurai and on further conditions that:

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Special Court/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 Special Court/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 Special Court/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/-  
24/11/2022

/ TRUE COPY /

24/11/2022  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



TO

1 THE JUDGE,  
SPECIAL COURT,  
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT, MADURAI

2 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.

3 THE SUB INSPECTOR OF POLICE  
SAMAYANALLUR ALL WOMEN POLICE STATION,  
MADURAI DISTRICT.

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

+1 CC to M/s.B.VINOTHKUMAR, Advocate ( SR-13654[I] dated  
24/11/2022 )

ORDER

IN

CRL OP(MD) No.20783 of 2022

Date :24/11/2022

SJI

SA/SSS/24.11.2022/3P/6C