



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

Date : 22/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22281 of 2022

Puvaneswaran @ Bhuvaneswaran

... Petitioner/Sole Accused

Vs

The State Rep. by,
The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.
Crime No.31 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Dinesh Hari Sudarsan M,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

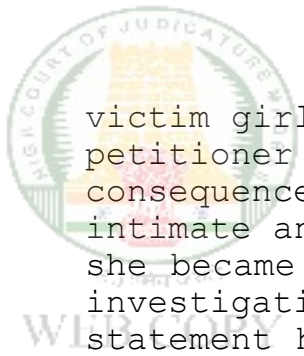
For Bail in Crime No.31 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 21.11.2022 for the offence punishable under Sections 5(1) and 5(j)(ii) r/w Section 6 of POCSO Act, 2012 in Crime No.31 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, who is aged 15 years (Date of Birth, ie., on 17.02.2004), is that she was studying 11th standard and that she was having a love affair with her close relative, the accused herein for the past two years. While so, on 09.04.2022, when she was alone in her home, the accused had compelled her and had sexual intercourse with her, due to which, she became pregnant and thereby, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the de-facto complainant are close relatives and admittedly, there was a love affair between the petitioner and the



victim girl for the past two years. He would further submit the petitioner had due to his age and without understanding the consequences and rigorous of POCSO Act and on 09.04.2022, he became intimate and physical with the victim, resulting in the victim girl, she became pregnant. He would further submit that major part of the investigation is over and the petitioner understands that the statement has also been recorded from the victim girl under Section 164 of Cr.P.C., wherein, she has alleged to have given a statement that the relationship between them was consensual in nature and she has also expressed her intention to marry the petitioner after she attains marriageable age. Hence, he seeks for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner and the de-facto complainant are close relatives and admittedly, even as per the FIR, there was a relationship between them for the past two years and on 09.04.2022, the petitioner had committed penetrative sexual assault on the victim girl, due to which, she became pregnant. He would further submit that the investigation is pending and hence, he would oppose for grant of bail.

5.Heard. Perused the materials available on record including the FIR and also the statement recorded from the victim girl under Section 164 of Cr.P.C.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

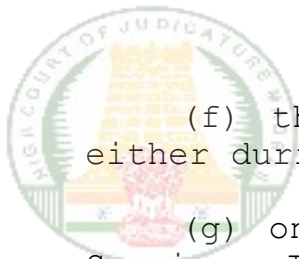
(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Principal Special Court, Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge/Trial Court may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;



(f) the petitioner shall not tamper with evidence or either during investigation or trial;

(g) 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

22/12/2022

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22/12/2022

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

TO

1. THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT EXCLUSIVE TRIAL
OF CASES UNDER THE POCSO ACT, 2012,
SIVAGANGAI.
2. THE OFFICER-INCHARGE,
SUB-JAIL, SIVAGANGAI.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MANAMADURAI,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.DINESH HARI SUDARSAN M , Advocate (SR-15299[I] dated 22/12/2022)

ORDER

IN

CRL OP(MD) No.22281 of 2022

Date :22/12/2022

sj i

USK/VR/SAR-I/22.12.2022/3P/6C