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CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 11/01/2023

PRESENT

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

CRL OP(MD). No.367 of 2023

Ramar

... Petitioner/Sole Accused

Vs

State Rep.by  
The Inspector of Police,  
All Women Police Station,  
Manamadurai  
(Crime No.28 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Venkatachalam.D, Advocate.  
For Respondent : Mr.T.Senthilkumar,  
Additional Public Prosecutor

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

PRAYER :-

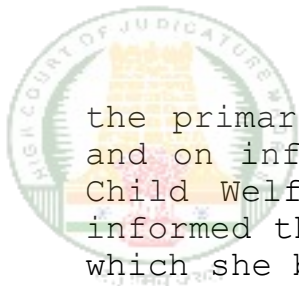
For Bail in Crime No.28 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/sole accused , who was arrested and remanded to judicial custody on 07.11.2022 for the offence punishable under Sections 5(i) and 5(j) (ii)r/w.Section 6 of the Protection of Children from Sexual Offences Act, 2012 in Crime No.28 of 2022 on the file of the respondent police, seeks bail.

2.The defacto complainant (XXXX) is aged about 16 years is that she was born on 16.06.2006. The case of the prosecution is that while she was studying IX standard she was in love affair with the accused who was living in the opposite house and they were in love for the past three years. The further allegation is that the accused had induced her by saying that he would marry her and on that on 10.05.2020 at 11.30 p.m., he has taken her to shed in the field and had sexual intercourse with her and later he had continued to have sexual intercourse with her number of times and that she became pregnant. Later on 07.10.2022, the victim was taken to hospital and thereafter retuned home and thereafter on 02.11.2022 she had gone to

<https://www.mhc.tn.gov.in/judis>



the primary health centre where it was found that she was taken to it and on information from the primary health centre she was taken to Child Welfare committee and there she was enquired and she had informed that she had physical affair with the petitioner and due to which she become pregnant by 2 ½ month, hence the complaint

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3.The learned counsel appearing for the petitioner would submit that the petitioner and the victim are neighbours and there was consensual relationship between them and the petitioner and the victim without understanding the consequences of POCSO Act had physical affair with consent due to which the victim had become pregnant. He would further submit that other than that the petitioner has not committed any offence. He would submit that the major part of the investigation is over and medical examination of the petitioner as well as the victim has also been completed by the respondent police. He would further submit that the petitioner is ready to abide by any condition that may be imposed on him.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner on the assurance that he will marry the victim girl had sexual intercourse with her and due to which she became pregnant. Later the petitioner's family members arranged wedding with other girl, when it was questioned, the parents of the petitioner and relatives threatened her by saying that they would do away her. He would further submit that investigation has been completed and charge sheet has been filed vide e.filing on 03.01.2023.

5.Heard. Perused the materials available on record including the First Information Report and also the statement of the victim recorded under Section 164 of Cr.P.C.

6.Taking into consideration of the facts and submissions made by the learned counsel for the petitioner and also taking into consideration the period of incarceration and also taking into consideration the fact that the investigation has been completed, 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Principal Special Court for Exclusively trial of cases under POCSO Act, Sivagangai and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.



[c] the petitioner report before the Principal Special Judge for Exclusive trial of cases under POCSO Act, Cases, Sivagangai on all working day at 10.30 a.m., until further orders.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not enter into jurisdiction limits of the respondent police.

[f] the petitioner shall not abscond either during investigation or trial.

[g] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[h] On breach of any of the aforesaid conditions, the learned Judicial 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].

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

11/01/2023

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11/01/2023

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

AAV

TO

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

+1 CC to M/s.VENKATACHALAM.D, Advocate (SR-608[I] dated 11/01/2023)

ORDER IN

CRL OP(MD) No.367 of 2023

Date :11/01/2023