



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

Date : 11/01/2023

PRESENT

WEB COPY

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

CRL OP(MD). No.783 of 2023

Bhuvanesh

... Petitioner/Sole Accused

Vs

The State Rep. by,
The Inspector of Police,
Rajathani Police Station,
Theni District.
(Crime No.248 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar.C,
Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

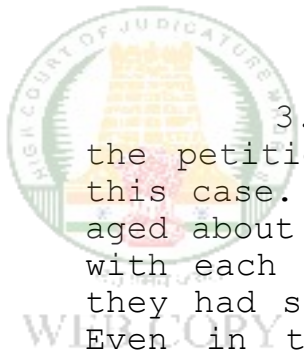
PRAYER :-

For Bail in Crime No.248 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 25.12.2022 for the offence punishable under Sections 5 (1), 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No. 248 of 2022, on the file of the respondent police, seeks bail.

2.As per the intimation received from the Theni Medical College Hospital, the respondent Police has enquired the victim girl. Based on her statement, the case came to be registered. The case of the prosecution is that the victim is studying in 12th Standard and she was in a love affair with the accused/petitioner, for the past two years. On 15.10.2022, the accused had given a false promise to marry her and had sexual intercourse with her, thereby, she became pregnant. Later, he refused to marry her. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. The petitioner is aged about 22 years and the victim is aged about 16+ years, at the time of occurrence. They were in love with each other and without knowing the consequences of POCSO Act, they had sexual contact, due to which, the victim became pregnant. Even in the complaint, the victim had stated the relationship between them was consensual in nature. The petitioner is in custody from 25.12.2022. In this case, medical examination of both the petitioner and the victim were conducted and statement of the victim was also recorded under Section 164 of Cr.P.C. Hence, prays to release the petitioner on bail.

4. The learned Additional Public Prosecutor would submit that the victim and the petitioner loved each other and by giving a false promise to marry the victim, the petitioner had sexual intercourse with her. The victim became pregnant and later, the petitioner refused to marry her. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court, including the FIR, statement of the victim recorded under Section 164 of Cr.P.C.

6. Taking into consideration the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

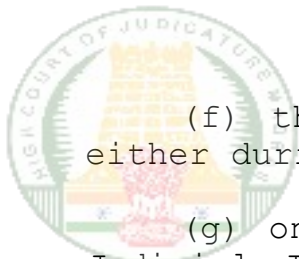
(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned **Sessions Judge, Mahila Court, Theni**, and on further conditions that:

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

(c) the petitioner shall stay at Madurai and report before the Y.Othakadai Police Station daily at 10.30 a.m., and he shall not enter into the jurisdictional limit of the respondent Police, 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 Judicial 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 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/-

11/01/2023

/ TRUE COPY /

11/01/2023

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

PNM

TO

1. THE SESSIONS JUDGE,
MAHILA COURT, THENI.
2. THE OFFICER-INCHARGE,
DISTRICT JAIL, THEKKAMPATTI, THENI.
3. THE INSPECTOR OF POLICE,
RAJATHANI POLICE STATION, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION, MADURAI.

+1 CC to M/s.SUSI KUMAR C, Advocate (SR-607[I] dated 11/01/2023)

ORDER

IN

CRL OP(MD) No.783 of 2023

Date :11/01/2023

USK/VR/SAR- /11.01.2023/3P/7C