



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/02/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.1828 of 2023

Ramkumar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Srivilliputhur,
Virudhunagar District
(Crime No.25 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Muneeswaran.B,
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.25 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 13.11.2022 for the offence punishable under Sections 363,376(3) of IPC and 5(1),6 of POCSO Act,2012 in Crime No.25 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that his minor daughter (XXXX) was studying IX standard in a school and they belong to one community and his daughter was having relationship with the accused who belong to different community and coming to know of the affair they have reprimanded her daughter not to have relationship with the accused. Whiles, from 07.11.2022 her daughter was going to school from his mother's house and on 11.11.2022 her daughter had gone to attend natural call in the morning she did not return home hence they have searched her and later it was found that the accused had taken her and committed penetrative sexual intercourse with her and later it was found that the accused on the false promise of marrying her minor daughter had sexual intercourse with her, hence the complaint.



3. The learned counsel appearing for the petitioner submit that the petitioner is innocent and he is aged about 20 years. He would further submit that the victim and the petitioner grow up together and the relationship between them was consensual in nature and on the compulsion of the victim the petitioner had sexual intercourse with her and since he belong to different community the father of the victim had given false complaint against him as if he has forcibly committed sexual intercourse with her. He would further submit that the investigation is completed and final report has been filed before the Mahalir Neethimandranm (Fast Track Mahila Court) Virudhunagar District @ Srivilliputhur and the same has been taken cognizance in Spl.S.C. No.190 of 2022 and the case stands posted for examination of L.W.2 to 4. He would further submit that the petitioner has to engage an counsel to defend his case. He would also submit that even as per the statement of the victim recorded under Section 164 Cr.P.C she has stated that there was love affair between them and she on her own volition went along with the petitioner. He would further submit that the petitioner is in judicial custody from 13.11.2022, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that both the petitioner and the victim belong to different community and the petitioner on the false promise of marrying the victim had induced her and had sexual intercourse with her, hence he objected to grant bail to the petitioner.

5. Heard. Perused the materials available on record including the First Information Report and 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 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 Mahalir Neethimandranm (Fast Track Mahila Court) Virudhunagar District @ Srivilliputhur 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 shall report before the learned Sessions Judge, Mahalir Neethimandranm (Fast Track Mahila Court) Virudhunagar District @ Srivilliputhur on all working days at 10.30 a.m., for a period of two weeks and thereafter on the date fixed by the learned



[d] the petitioner shall not enter the jurisdiction of the respondent police until further orders.

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

[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/-

02/02/2023

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02/02/2023

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

AAV

TO

1 THE SESSIONS JUDGE

MAHALIR NEETHI MANDRAM, (FAST TRACK MAHILA COURT)
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE OFFICER INCHARGE, DISTRICT JAIL, VIRUDHUNAGAR.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT

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

+1. CC to M/S.MUNEESWARAN.B Advocate SR.No.1633

ORDER IN

CRL OP(MD) No.1828 of 2023

Date :02/02/2023

SA/SSS/SAR. /02.02.2023/3P/6C

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