



WEB COPY

CRL OP(MD).



23

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

Date : 10/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.6534 of 2023

Balaguru ... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station
Thilagar Thidal, Madurai City,
Madurai District.
Cr.No.55/2022.

... Respondent/Complainant

For Petitioner : M/s.Mohammed Imran.H, Advocate
for M/s.Ajmal Associates,

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.55/2022 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 16.03.2023 for the offences under sections 5(I), 5(J)(ii) and 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No.55 of 2022 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner had kidnapped the victim girl from the custody of the parents and had committed aggravated penetrative sexual which resulted in the pregnancy of the victim who is aged about 17 years. hence the case.



3. Heard both sides and perused the materials available on record including the First Information Report.

4. The learned counsel appearing for the petitioner would submit that the petitioner is ready and willing to register the marriage with the victim and produce the certificate before the respondent police.

5. Taking into consideration the facts and submissions made by the learned counsels and also 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 blood related sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for POCSO Act Cases, Madurai 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 after coming out from prison within 15 days shall register the marriage before the concerned Registrar Officer and produce the marriage Registration certificate before the concerned police and trial Court. Further if he violates the said condition and refuse to register the marriage with the victim girl the bail granted to the petitioner shall stand cancelled and the respondent police is at liberty to secure the petitioner and proceed in accordance with law.

[d] the petitioner shall report before the respondent police daily at 10.30 A.M. for a period of three weeks and thereafter as and when required for interrogation.

[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



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

sd/-

10/04/2023

WEB COPY

/ TRUE COPY /

10 /04/2023

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

aav

TO

- 1.THE SESSIONS JUDGE, SPECIAL COURT FOR POCSO ACT CASES, MADURAI.
- 2.THE OFFICER IN CHARGE,
DISTRICT JAIL,
THENI.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION
THILAGAR THIDAL, MADURAI CITY,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6534 of 2023

Date :10/04/2023

RK/VR/SAR-(10/04/2023) 3P/5C