



CRL OP(MD). No.280 of 2024

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

Date : 06/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Arunprakash

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
All Women Police Station,
Kovilpatti
(Crime No.11/2021.)

... Respondent/Complainant

For Petitioner : Mr.S.Baskar Mathuram, Advocate
for M/s.Mathuram Law Associates, Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.11/2021 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 07.11.2023



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for the offence punishable under Sections 5(1) r/w. 6 of POCSO Act, 2012 and Sections 376, 417 and 506(2) IPC in Crime No.11 of 2021 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant had loved each other and he had sexual intercourse with the victim girl and thereafter, he refused to marry the victim girl. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that after registration of the case, the victim girl married one Marimuthu. He would further submit that the petitioner will not circular any of the photos of the victim girl in social media and the petitioner is in judicial custody from 07.11.2023. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent has produced the statement recorded under Section 164 Cr.P.C from the victim girl and would submit that the petitioner forcibly had sexual intercourse with the victim girl and thereafter, he refused to marry her.

5. Heard the learned counsel on either side.

6. On perusal of the statement recorded under Section 164 Cr.P.C from the victim girl reveals that the petitioner and the victim girl loved each other and



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thereafter, he refused to marry her. However, after registration of the case, the victim girl married one Marimuthu, which is not disputed by the respondent Police. Considering the facts and circumstances of the case and the period of incarceration suffered by the petitioner, this court is inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi, and on further conditions that:

(a) 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;

(b) the petitioner is directed to appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(c) the petitioner is directed not to circulate any of the photos of the victim girl in Social media. If any of the photos of the victim girl is available with the the petitioner, the same shall be surrendered



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before the respondent Police enabling them to destroy the same;

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

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

(f)on breach of any of the aforesaid conditions, the learned 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]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/03/2024

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06/03/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB



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To

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1.The Sessions Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Thoothukudi.

2.The Inspector of Police,
All Women Police Station,
Kovilpatti.

3.The Officer Incharge,
Peroorani Jail,
Thoothukudi.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.BASKAR MATHURAM, Advocate (SR-2802[I] dated 06/03/2024)

ORDER

IN

CRL OP(MD) No.280 of 2024

Date :06/03/2024

ED/ /SAR- (06/03/2024) 5P / 6C

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