



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

Friday, the Nineteenth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.14300 of 2016

M.SANTOSH

... PETITIONER/SOLE ACCUSED

Vs

STATE REP BY THE INSPECTOR OF POLICE
MANAPPARAI AWPS, TRICHY DISTRICT,
VAIYAMPATTI POLICE STATION, TRICHY DISTRICT.
CR.NO.171/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.M.KARUNAKARAN Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

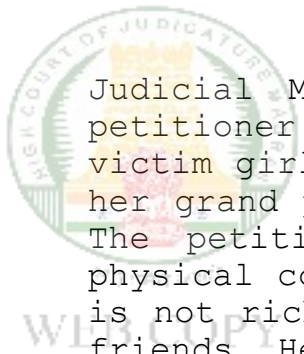
ORDER : The Court Made the following order :-

The petitioner who is arrayed as Accused was arrested and remanded to judicial custody on 19.06.2016 for the alleged offences punishable under Sections 366(A) of IPC r/w. Section 7 and 8 of Protection of Children from Sexual Offences Act, 2012 in Crime No.171 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner kidnapped the daughter of the defacto complainant who is a minor. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Both the victim girl and minor were in love. On 20.04.2016 victim girl voluntarily left the parents house and came along with the petitioner. The alleged occurrence took place on 20.04.2016, but, the complaint was given only on 19.06.2016. The victim girl has given a statement before the respondent Police that the victim girl and petitioner were in love and hence, she came along with the petitioner on her own volition. The petitioner is in judicial custody from 08.07.2016.

4.The learned Government Advocate (Crl. side) submitted that the petitioner kidnapped the daughter of the defacto complainant who is the minor. Victim girl has given a statement before the learned



Judicial Magistrate, Additional Mahila Court, Trichy, that the petitioner informed that he is very rich and he will look after the victim girl and asked the victim to bring the jewels and money from her grand parents house. The victim girl did not get any jewels. The petitioner took her and stayed in a rented house and had physical contact with her. Subsequently, she came to know that he is not rich man and he has spent money only by borrowing from his friends. He further submitted that on false promise the petitioner had persuaded the defacto complainant and stayed with her for a period of two months and had physical contact with her and left the victim girl and the investigation is pending.

5. Considering the nature of allegations against the petitioner and the statement given by the victim girl before the learned Judicial Magistrate, Additional Mahila Court, Trichy and the petitioner is in judicial custody from 19.06.2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

- (i) the petitioner shall 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 Judicial Magistrate, Manaparai, Trichy District.
- (ii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial.
- (v) 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]**.

7. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

19/08/2016

/ TRUE COPY /

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



TO

- 1 THE JUDICIAL MAGISTRATE, MANAPARAI, TRICHY
- 2 THE CHIEF JUDICIAL MAGISTRATE, TRICHY
- 3 THE INSPECTOR OF POLICE
MANAPPARAI AWPS, TRICHY DISTRICT,
VAIYAMPATTI POLICE STATION, TRICHY DISTRICT.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY
- 5 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.M.KARUNAKARAN Advocate SR.No.45948

ORDER
IN
CRL OP(MD) No.14300 of 2016
Date :19/08/2016

AA/SK-SKN/SAR W/19.08.2016/3p-7c