



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

Friday, the Twenty Sixth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice S.VIMALA

CRL OP(MD) No.15779 of 2016

VEERAPRAKASH

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY

THE SUB INSPECTOR OF POLICE

WOMEN POLICE STATION, KAMUTHI,

IN CRIME NO.8 OF 2016

RAMANATHAPURAM DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.BABU JAGANATH Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner is the sole accused, who was arrested and remanded to judicial custody on 30.06.2016 for the alleged offences punishable under Section Girl Missing @ 366-A I.P.C. & Section 4 of POCSO Act IPC, in Crime No.8 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner has kidnapped the victim girl and detained her from 16.06.2016 to 30.06.2016 and during that period, he had sexual intercourse with the victim girl against her will. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that he has not committed any offence as alleged by the prosecution. It is not a case of aggravated sexual assault, but it is only consensus sexual intercourse. It is contended that though the victim girl is alleged to be aged 17 years, she is more than 18 years old and therefore, POCSO Act has been wrongly used in this case. She on her own volition went along with the petitioner. The petitioner is in judicial custody from 30.06.2016.

4.The learned Government Advocate (Crl. side) submitted that the investigation is almost over.



5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 30.06.2016, 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, Kamuthi.
- (ii) the petitioner shall report before the respondent police once in a week ie., on every Monday 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]**.

6. 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.

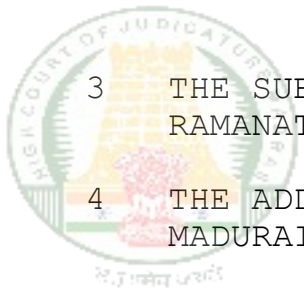
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26/08/2016

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

SJ
TO
1 THE JUDICIAL MAGISTRATE, KAMUTHI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPRAM DISTRICT



3 THE SUB INSPECTOR OF POLICE, WOMEN POLICE STATION, KAMUTHI,
RAMANATHAPURAM DISTRICT.

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

5 THE OFFICER INCHARGE, BORSTAL SCHOOL, MELUR,
MADURAI DISTRICT

+1. CC to M/S.R.BABU JAGANATH Advocate SR.No.47534

GJM/SK/SKN/SAR-III-26.8.16-3P-7C

ORDER

IN

CRL OP (MD) No.15779 of 2016

Date :26/08/2016