



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

Wednesday, the Twenty Fifth day of May Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CRL OP(MD) No.7934 of 2016

SABARI

... PETITIONER/SOLE ACCUSED

Vs

STATE REB.BY
THE INSPECOR OF POLICE
ANDIPATTI POLICE STATION,
THENI DISTRICT,

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.SUBASH BABU Advocate

For Respondent : M/S.A.P.SUBRAMANI Govt. Advocate (Crl. Side)

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

ORDER: The Court Made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 15.03.2016 for the offences punishable under Section Girl Missing @ 366(A) of I.P.C. And Section 6 of POCSO Act, 2012, in Crime No.122 of 2016 on the file of the respondent police, filed the present petition seeking bail.

2.The case of the prosecution is that the daughter of the defacto complainant was working in a Spinning Mill at Theni and on 10.01.2016, she went for work, however, she did not return back for a long time and even though, she searched her nearby places, she could not find out her whereabouts and hence, she gave a complaint before the respondent police and based on the complaint, the case in crime No.122 of 2016 has been registered. After the investigation, the respondent police came to know the petitioner and the victim girl had married on 20.01.2016 in Mathampatti Murugan Temple and they lead their life in the petitinoer's village and hence, the respondent police altered the offence under Section 366(A) of I.P.C. And Section 6 of POCSO Act, 2012.

3.Mr.M.Subash Babu, learned counsel appearing for the petitioner has submitted that the petitioner is no way connected with the alleged offence and the petitioner and the daughter of the defacto complainant loved each other for the past one year and it was the daughter of the defacto complainant, who contacted the



petitioner through phone and insisted him to take her immediately and they got married in the Murugan Temple at Mathampatti on 20.01.2016 and they are leading their life in the petitioner's village.

4.It is further submitted that when the minor girl was produced before the Court, she expressed her willingness to go with the petitioner. However, the learned Judicial Magistrate sent the victim girl to home. It is also brought on record that the minor girl have a statement before the learned Judicial Magistrate concerned on 02.04.2016 under Section 164 of Cr.P.C. corroborating the petitioner's version in the petition and hence, he prayed for the relase of the petitioner.

5.Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State submits that investigation of the case is almost over.

6.Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

(a)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, Andipatti;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

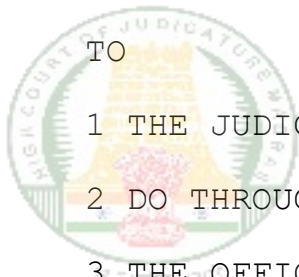
(c)the petitioner shall not tamper with evidence or witness either during investigation or trial.

(d)the petitioner shall not abscond either during investigation or trial.

(e)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]**.

sd/-
25/05/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, ANDIPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE OFFICER INCHARGE SUB JAIL, PERIYAKULAM.

4 THE INSPECTOR OF POLICE ANDIPATTI POLICE STATION,
THENI DISTRICT,

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

+1CC to M/S M.SUBASH BABU Advocate SR.No.27094

ORDER

IN

CRL OP(MD) No.7934 of 2016

Date:25/05/2016

SDR/NGM-SS/SAR I/26.05.2016/3P/7C