



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

Monday, the Thirtieth day of October Two Thousand Seventeen

PRESENT

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The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14488 of 2017

MOHAMED FEROSEKHAN

... PETITIONER/SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ARUMUGANERI POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.220 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.R.ANBARASU, Advocate

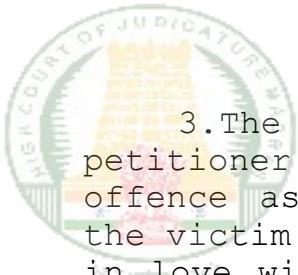
For Respondent : M/S.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 16.09.2017 for the alleged offence punishable under Section Girl Missing and subsequently altered into Section 366 (A) of IPC., and Section 12 of POSCO Act, in Crime No.220 of 2017, on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner is the friend of one Allah Pitchai, who had fall in love with the another victim girl in this case. The victim girls are studying in 11th standard in Subaitha Girls' Higher Secondary School at Kayalpattinam and they are friends. When the first victim girl used to go to her friend's house, she met the petitioner, at that time, the petitioner also fall in love with victim girl. On 24.07.2017, the petitioner and his friend Allah Pitchai telephoned the victim girls to come to Thisayanvilai. Therefore, the victim girls had gone to Thisayanvilai. Thereafter, the parents of the victim girls lodged a complaint before the law enforcing agency alleging that their daughters did not return from school. Hence, a case was registered under provision of Girl Missing and subsequently, after investigation, it was altered into Section 366(A) of IPC., and Section 12 of POSCO Act, in Crime No.220 of 2017. Thereafter, the said Allah Pitchai was already arrested on 27.07.2017 and the petitioner was arrested on 16.09.2017 and remanded to judicial custody.



3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the victim girl, who is a minor, also fell in love with the petitioner and by consent of the girls, they went along with the accused persons. He further submitted that the petitioner has been falsely implicated in this case and the co-accused, namely, Allah Pitchai was arrested on 27.07.2017 and released on bail by the learned Sessions Judge, Mahila Court, Thoothukudi, in Cr.M.P.No.530 of 2017, on 18.09.2017.

4. The learned Government Advocate (Criminal side) appearing for the respondent did not dispute the above said facts.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl. Side) that the co-accused was arrested and released on bail by the Court below, I am inclined to grant bail to the petitioner 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Sessions Judge, Mahalir Neethimandram (FTMC), Thoothukudi;

(ii) the petitioner shall report before the investigation officer, daily between 10.00 a.m. and 11.00 a.m. for a period of six weeks;

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

(iv) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(v) the petitioner shall not commit any offence while on bail;

(vi) 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 and the bail granted stands cancelled automatically.

sd/-
30/10/2017

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



TO

1 THE JUDICIAL SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM (FTMC), THOOTHUKUDI.

2 THE INSPECTOR OF POLICE
ARUMUGANERI POLICE STATION,
THOOTHUKUDI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, PERURANI.

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

+1. CC to M/S.S.R.ANBARASU Advocate SR.No.33420

ORDER

IN

CRL OP (MD) No.14488 of 2017

Date :30/10/2017

MS/CM-MSA/SAR.3/30.10.2017/3P.6C