



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

Tuesday, the Twenty Fifth day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.9600 of 2017

SURYA

... PETITIONER/ACCUSED NO.2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PASUPATHIPALAYAM POLICE STATION,
KARUR DISTRICT.
CRIME NO.473/17

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.MUTHUSAMY Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner / A2, who was arrested on 25.06.2017 for the offences punishable under Sections 5(L) r/w Section 17 of POCSO Act, 2012 in Crime No.473 of 2017 on the file of the respondent police, seeks bail.

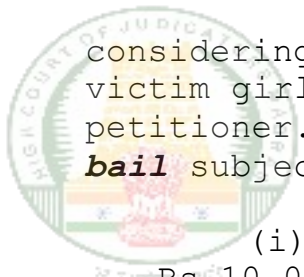
2.The case of the prosecution is that A1 and the victim girl, aged about 17 years, loved each other and due to the love affairs between them, A1 kidnapped the victim and the petitioner herein has helped for the said elopement.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that A1 married the victim and they wanted a rental house to live and that the petitioner herein made arrangement for rental house and thereafter, the victim and A1 surrendered before the respondent Police. He further submitted that petitioner has been arrested along with his minor child.

4.The learned Additional Public Prosecutor submitted that totally there are 2 accused and the petitioner is arrayed as A2 in this case. He also submitted that the respondent Police has not arrested the child of the petitioner. He further submitted that victim girl was secured and investigation is still pending.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the facts and circumstances of the case and



considering the overt act attributed against the petitioner and the victim girl was secured, 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:

(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 Judicial Magistrate No.I, Karur;

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioner shall not tamper with the 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 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 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/-
25/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KARUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR.
- 3 THE INSPECTOR OF POLICE
PASUPATHIPALAYAM POLICE STATION, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE SUPERINTENENT, CENTRAL PRISON, TRICHY.

+1. CC to M/S.P.MUTHUSAMY Advocate SR.No.27250
NB
CSL/CM-MSA/SAR-II/26.07.2017 : 2P/7C

ORDER
IN
CRL OP(MD) No.9600 of 2017
Date : 25/07/2017