



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

Tuesday, the Twentieth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2641 of 2018

S. AJITH PRABHU

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
VEERAPANDI POLICE STATION,
THENI DISTRICT.
IN CR.NO. 11/2018

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.S.VANCHINATHAN Advocate

For Respondent :MR.K.SUYAMBULINGA BHARATHI Govt. Advocate (Crl.Side)

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

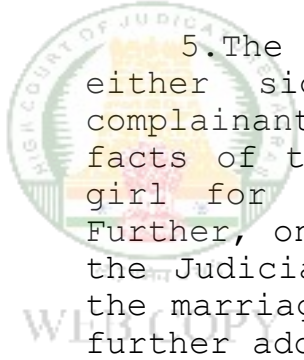
ORDER : The Court Made the following order :-

The petitioner /sole accused, who was arrested and remanded to judicial custody on 07.01.2018 for the offences punishable under Sections 366 I.P.C., and Section 6 of POCSO Act, 2012, in Crime No.11 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant and her family members are residing in R.C. Street, Kottur, Theni District. On 05.01.2018, the defacto complainant's daughter, namely, Joysha went to Shop, thereafter, she was not returned to the home. Hence, a case has been registered for the above said missing.

3.The learned counsel appearing for the petitioner submitted that the petitioner and the victim girl surrendered before the police and then the victim girl made a statement before the police by saying that both of them love with each other and decided to marry, for which, they escaped from the house. He further submitted that the petitioner is an innocent person. He had not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 07.01.2018 onwards. Hence, he prays for bail.

4.The learned Government Advocate(Crl.Side) appearing for the State submitted that during the time of occurrence, the victim girl completed the age of 17 years 11 months and 26 days. Since the victim girl has not completed 18 years, the petitioner abducted the victim girl and made sexual intercourse with her. According to him, investigation is still pending.



5. The submissions made by the learned counsel appearing on either side are considered. The petitioner and the defacto complainant are residing in the same street. On go through the facts of the case, the petitioner had love affair with the victim girl for the past one year, prior to the date of occurrence. Further, on go through the statement given by the victim girl before the Judicial Magistrate, she narrated the incident and stated that the marriage was solemnized between herself and the petitioner. She further added that since the parents of the victim girl arranged the marriage with her paternal uncle, she eloped with the present petitioner, According to prosecution, the petitioner is in judicial custody from 07.01.2018 onwards. Now, the victim girl was secured. So, considering the above facts and circumstances of the case and also considering the period of incarceration, further custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Theni (FAC).

(ii) the petitioner is directed to appear before the Karur Town Police Station, Karur daily at 10.00 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/-
20/02/2018

/ TRUE COPY /

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



TO

1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, THENI (FAC) .

2 THE OFFICER IN CHARGE,
SUB JAIL, PERIYAKULAM, THENI DISTRICT.

3 THE INSPECTOR OF POLICE
VEERAPANDI POLICE STATION, THENI DISTRICT.

4 THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION, KARUR.

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

+1. CC to M/S.S.VANCHINATHAN Advocate SR.No.2718

ORDER

IN

CRL OP (MD) No.2641 of 2018

Date :20/02/2018

MKV-CM-SAR 1/20.2.2018/3P-7C