



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

Tuesday, the Ninth day of January Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

CRL OP(MD) No.294 of 2018

SURESH

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE,  
AVUDAIYAR KOVIL POLICE STATION,  
PUDUKOTTAI DISTRICT.  
CR.NO.162 OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.A.JAYARAMACHANDRAN Advocate

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

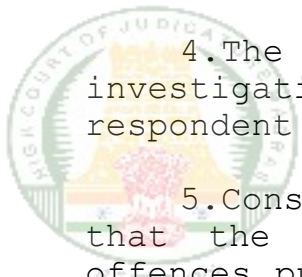
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / sole accused, who was arrested on 04.11.2017 for the offence punishable under Sections 363 I.P.C., and Sections 5 (1) r/w 6 of Protection of Children from Sexual Offences Act 2012, in Crime No.162 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that based on the complaint given by the defacto complainant, who is the daughter of the victim girl, the respondent police registered a case in Crime No.162 of 2017 as Girl Missing. Thereafter, the respondent police traced the victim at petitioner's residence, secured her and arrested the petitioner.

3.The learned counsel for the petitioner would submit that the defacto complainant having two wives. The victim girl born through the first wife, who is working at abroad. The victim girl developed love affairs with the petitioner. Thereafter, the mother of the victim girl also spoke to the petitioner through phone from abroad and requested the petitioner to concede for the marriage with her daughter, after she attained majority on 20.07.2018. All of a sudden, she left home on 03.11.2017 to the petitioner's home stating that her father and step mother have compelled for marriage. He further submitted that the petitioner is in judicial custody for the past 67 days. Hence he prays for bail.



4.The learned Government Advocate (Crl.side) submitted that investigation is pending and the victim girl was secured by the respondent police.

5.Considering the submissions made on either side, it seems that the petitioner was remanded to judicial custody for the offences punishable under Section 363 I.P.C.,and Section 5(1) r/w 6 of Protection of Children from Sexual Offences Act 2012, and he is in judicial custody from 04.11.2017. On go through the facts of the case, the petitioner herein went along with the minor girl. Thereafter, the victim girl was secured by the respondent police. As per the prosecution, medical examination of the victim girl as well as the petitioner was completed. Even though the investigation is pending, considering the period of incarceration of the petitioner, further custodial interrogation is not necessary for completing the investigation. So, considering the period of incarceration of the petitioner, the contention made by the learned Additional Public Prosecutor need not be considered.

6.Considering the above facts and circumstances, 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 Judge, Mahila Court, Pudukottai.

(ii)the petitioner is directed to appear before the respondent police daily twice, morning at 10.30 a.m. and evening at 5.30 p.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].

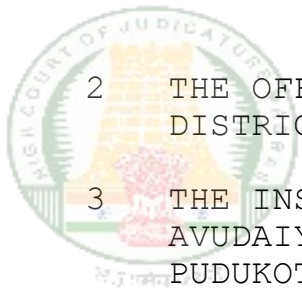
sd/-

09/01/2018

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

TO



2 THE OFFICER IN CHARGE,  
DISTRICT PRISON, PUDUKOTTAI.

3 THE INSPECTOR OF POLICE,  
AVUDAIYAR KOVIL POLICE STATION,  
PUDUKOTTAI DISTRICT.

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

+1. CC to M/S.A.JAYARAMACHANDRAN Advocate SR.No.355

ORDER  
IN  
CRL OP(MD) No.294 of 2018  
Date :09/01/2018

**MS-PN-SAR 2/9.1.2018/3P-6C**