



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

Monday, the Twenty Second day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.448 of 2018

RAJA

... PETITIONER / ACCUSED No.3

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
UTTAMAPALAYAM POLICE STATION,
THENI DISTRICT.

(CRIME NO.610 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.MAHENDRAN Advocate

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

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

ORDER : The Court Made the following order :-

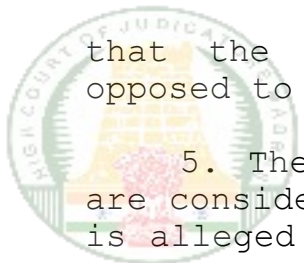
The petitioner/A3, who was arrested and remanded to judicial custody on 15.12.2017 for the offence punishable under Sections Girl Missing @ 6 and 7 of POSCO Act, 2012, in Crime No.610 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the mother of the victim girl, has given a complaint before the respondent police alleging that her daughter, who is aged about 17 years was missing, hence a case has been registered under the caption girl missing. After enquiry, the respondent police came to know that the victim girl eloped with three accused persons. Hence, petitioner/A3 and other accused persons have been arrested and remanded to judicial custody.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the victim girl previously said to have been absconded two times and thereafter she was traced, in such incident, the petitioner was never involved. The petitioner is in judicial custody from 15.12.2017. Hence, he prays for bail.

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

4.The learned Government Advocate (Criminal side) submitted



that the investigation is still pending. Hence, he vehemently opposed to grant bail to the petitioner.

5. The submissions made by the learned counsel on either side are considered. It seems that as per averment made in the F.I.R, it is alleged by the complainant that the victim girl in this case has ran away with this petitioner as a third time. So, the above averments clearly proves that the offence was committed along with the consent of the victim girl. Hence, this type of offence, custodial interrogation is not necessary for completing the investigation. Therefore, 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:

(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 Judges, Mahila Neethimandram (Fast Track Mahila Court), Theni;

(ii) the petitioner is directed to appear before the respondent police 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/-
22/01/2018

/ TRUE COPY /

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

TO

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



2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

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

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COPY TO:-

THE OFFICE INCHARGER,
BOSTRAL SCHOOL, MELUR, MADURAI

+1. CC to MR.S.MAHENDRAN Advocate SR.No.1033

JAM/22/01/2018/PM-PN/ SAR 4 / 3P-6C

ORDER

IN

CRL OP(MD) No.448 of 2018

Date :22/01/2018