



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

Tuesday, the Seventeenth day of April Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) No.6169 of 2018

KALIRAJAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
CHATRAKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.31 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.VENKATESHWARAN Advocate

For Respondent : M/S. A.P.G.OHM CHAIRMA PRABHU,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

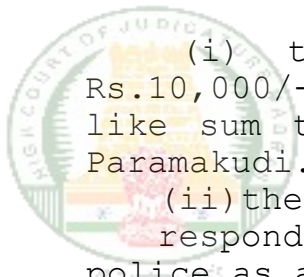
The petitioner is arrayed as the sole accused. He was arrested and remanded to judicial custody on 17.03.2018 for the offences punishable under Section Girl Missing @ 363, 366(A) I.P.C., and Section 6 of POCSO Act, 2012, in Crime No.31 of 2018, on the file of the respondent police. He seeks bail.

2. On 23.02.2018, the petitioner kidnapped the defacto complainant's minor daughter in order to marry her. Therefore, based on the complaint lodged by the victim's mother, a case has been registered against the petitioner.

3.The learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case and he is in judicial custody from 17.03.2018. Hence, he prays for bail.

4.The learned Government Advocate(Criminal Side) has strongly opposed to grant bail to the petitioner on the ground that the petitioner has committed the offence under Section 6 of POCSO Act 2012.

5.This Court went through the statement of the victim girl, it is seen that it is a case of consensual relationship between the petitioner and the victim girl. In view of the consensual nature of the act involved, this Court is inclined to enlarge the petitioner on bail 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.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Paramakudi.

(ii) the petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii) the petitioner shall not abscond.

(iv) 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/-

17/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
 - 2 DO THOUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3 THE SUPERINDENT,
DISTRICT PRISON, RAMANATHAPURAM.
 - 4 THE INSPECTOR OF POLICE,
CHATRAKUDI POLICE STATION, RAMANATHAPURAM DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.A.ARPUTHARAJ, Advocate SR.No.6283.

ORDER

IN

CRL OP(MD) No.6169 of 2018

Date :17/04/2018

SDS/CM/ASVM/17.04.2018/2P/7C