



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

Tuesday, the Twenty First day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.14772 of 2018

M. VEDHAMUTHU

... PETITIONER/ ACCUSED

Vs

STATE THROUGH
THE SUB INSPECTOR OF POLICE,
VILATHIKULAM POLICE STATION,
TUTICORIN DISTRICT,
Crime No.19/2018

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.KA.RAAMAKRISHINAN Advocate

For Respondent : V.NEELAKANDAN Additional Public Prosecutor

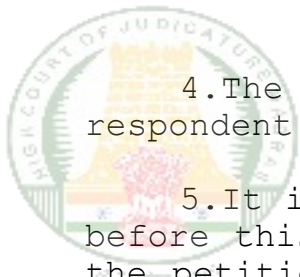
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 14.07.2018 for the offences punishable under Section Girl Missing @ Section 363 I.P.C and Section 5(1) r/w 6 of POCSO Act, in Crime No.19 of 2018 on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the victim girl, namely, Rajaselvi eloped with the petitioner on 19.02.2018. Hence, the defacto complainant, who is the mother of the victim, lodged a complaint for girl missing. Subsequently, she filed Habeas Corpus Petition in H.C.P.No.528 of 2018. Then, the victim was rescued and the petitioner was arrested. The victim girl was produced before this Court on 13.08.2018 and she stated that she did not want to go with her parents. Therefore, she was sent to Home and she is now under the custody of Empower Women Home, Tuticorin.

3.The learned counsel for the petitioner would submit that the petitioner had love affair with the victim girl. On her own wish, she eloped with the petitioner on 19.02.2018. Since the victim did not want to go with her parents, she was sent to Home. Further her statement under Section 164 Cr.P.C before the learned concerned Judicial Magistrate stating that on her own wish only, she eloped with the petitioner. He further submitted that based on the victim's consent only, the petitioner had sexual intercourse with her. Hence, he prays for bail.



4.The learned Additional Public Prosecutor appearing for the respondent submitted that the investigation is pending.

5.It is seen from the records that the victim girl was produced before this Court and now she is in the Home. It is also seen that the petitioner got married the victim girl in the temple and he is ready to live with her. Considering the undertaking given by the petitioner and also considering the period of incarceration of the petitioner, 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 learned Mahila Judge, Tuticorin.

(ii)the petitioner shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

sd/-
21/08/2018

/ TRUE COPY /

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

TO

1.THE JUDGE, MAHILA COURT,TUTICORIN.

2.THE SUB INSPECTOR OF POLICE,
VILATHIKULAM POLICE STATION,
TUTICORIN DISTRICT.

3.THE OFFICER INCHARGE
DISTRICT PRISON, TUTICORIN.

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

+1. CC to Mr.KA.RAAMAKRISHINAN Advocate SR.No.15839

ORDER
IN
CRL OP(MD) No.14772 of 2018
Date :21/08/2018

TK/PN/SAR.1/21.08.2018/2P-6C