



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

Tuesday, the Twenty Eighth day of August Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.14450 of 2018

MAHESHRAJA

... PETITIONER / ACCUSED

Vs

STATE THROUGH
THE SUB INSPECTOR OF POLICE,
NAZARETH POLICE STATION,
TUTICORIN DISTRICT.
Crime No.88 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.KA.RAAMAKRISHINAN Advocate

For Respondent : Mr.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 19.07.2018 for the offences punishable under Section 366 I.P.C, 5(1) r/w 6 of POCSO Act, in Crime No.88 of 2018 on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that on 17.07.2018, the victim girl, who is studying 10th Standard, aged about 14 years did not return from her school to the Hostel. Hence, the defacto complainant, who is the Head Master lodged a complaint and the case was registered as girl missing. Thereafter, the victim girl rescued on 19.07.2018 from the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner and the victim girl are neighbors and both were having love affairs. He further submitted that the petitioner is ready to marry the victim girl,when she attained majority. He further submitted that he is in incarceration from 19.07.2018 onwards. Hence, he prays for grant of bail to the petitioner.

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

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

5.Considering the facts and circumstances 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 file an undertaking affidavit before the learned Mahila Judge, Tuticorin concerned to the effect that he will marry the victim girl, after she attaining the age of majority.

(ii) 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.

(iii) the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders;

6. At this juncture, the learned counsel appearing for the petitioner submitted that the District Superintendent of Prison, District Prison, Tuticorin, is not permitting him to get signature from the petitioner, who is in prison, in the undertaking affidavit.

7. If that be so, the District Superintendent of Prison, District Prison, Perurani, Tuticorin, is directed to permit the learned counsel for the petitioner to get signature from the petitioner, who is in prison, in the undertaking affidavit, so as to enable him to file the same before the concerned Judicial Magistrate Court.

sd/-

28/08/2018

/ 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,
NAZARETH POLICE STATION, TUTICORIN DISTRICT.
3. THE OFFICER INCHARGE
DISTRICT PRISON PERURANI, TUTICORIN.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr. KA. RAAMAKRISHNAN Advocate SR.No.16256

ORDER

IN

CRL OP(MD) No.14450 of 2018

Date : 28/08/2018



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