



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

Monday, the Third day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.20892 of 2018

PALRAJ

... PETITIONER /SOLE ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
THARUVAIKULAM POLICE STATION,
THOOTHUKUDI DISTRICT
Crime No.90/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.MURUGAN Advocate

For Respondent : Mr.S.CHANDRASEKAR Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 16.10.2018 for the offences punishable under Section girl missing @ 5(L) of POCSO Act, 2012, in Crime No.90 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the victim are relatives. Both of them were working in the Saltpan, wherein, love affair between each other. The victim's parents were making arrangement for marriage and the victim was not involved in that marriage. On the compulsion of the victim, the petitioner had taken her to his brother's house at Kerala for two days and thereafter, they stayed at victim aunt's house for 10 days and the petitioner's house for two weeks. Thereafter, there seems to be a difference of opinion between them and she had gone to her parent's house. On the compulsion of her parents, she had gone to the respondent police and lodged a complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged occurrence. He further submitted that both the petitioner and the victim are uneducated. According to the petitioner, the victim had claimed that she had attained majority and the petitioner



was compelled by the victim. On her compulsion only, the victim was taken by the petitioner and got married.

4. The learned Additional Public Prosecutor for the respondent submitted that the victim's 164 statement has been recorded, wherein, he affirms the same. He further submitted that on 30.11.2018, the victim and her parents had appeared before this Court and concurred with the contention of the petitioner.

5. Considering the facts and circumstances of the case and considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Vilathikulam, Tuticorin District and on further condition that:

[a] the petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned 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 learned 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
03/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
VILATHIKULAM, TUTICORIN DISTRICT.



2.THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3.THE INSPECTOR OF POLICE,
THARUVAIKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.

4.THE OFFICER INCHARGE,
DISTRICT PRISON, PEROORANI.

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

+1. CC to Mr.R.MURUGAN Advocate SR.No.22510

ORDER
IN
CRL OP (MD) No.20892 of 2018
Date :03/12/2018

TK/PN/SAR-1/03.12.2018/3P/7C