



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

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1036 of 2019

NOOR NISHA

... PETITIONER / 2nd ACCUSED

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE,
KAMBAM SOUTH POLICE STATION,
KAMBAM.

Crime No.562/2018

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.M.JERIN MATHEW Advocate

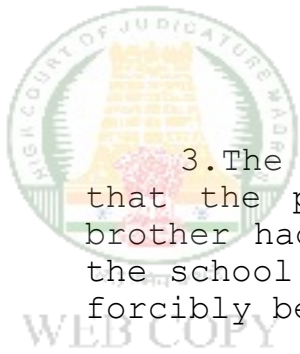
For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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 29.12.2018 for the offences punishable under Sections 366 of IPC and Section 6 & 17 of Protection of Children from Sexual Offences Act, in Crime No.562 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant's daughter went to the school on 22.12.2018 and she had not returned back and thereafter, the complaint has been lodged for girl missing. Subsequently, on investigation found that the victim in this case hails from Madurai. The victim girl had developed love affair with one Kadharsha. Therefore, the victim's parents sent the victim to her aunt's house at Cumbum and there she is continuing her studies. Thereafter the said Kadharsha contacted the victim and the petitioner had gone to the school of the victim and she had taken the victim to Kadharsha. The Victim and the Kadharsha were moving to several places. They had gone to Kadharsha Aunt place and she had informed the same to the police and the respondent police secured the victim. Initially, a case under girl missing and subsequently altered the offences under Sections 366 of IPC and 6 & 17 of the Protection of Children from Sexual Offences Act.



3.The contention of the learned counsel for the petitioner is that the petitioner is working in a private shop and her cousin brother had called her to call upon the victim, who was studying in the school since the victim had informed Kadharsha that she has been forcibly being kept and she is undergoing Trauma and torture.

4.The learned Government Advocate (Crl.side) appearing for the respondent would submit that the victim had been examined by the respondent police and further 164 Cr.P.C., statement has been recorded.

5.A perusal of the same, it is seen that the victim had exonerated the petitioner and it seems to be a love affair.

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

7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned District Sessions Judge (Fast Track Mahila Court), Theni 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/-
24/01/2019

/ TRUE COPY /



TO

1. THE DISTRICT SESSIONS JUDGE
FAST TRACK MAHILA COURT, THENI.

2. THE INSPECTOR OF POLICE,
KAMBAM SOUTH POLICE STATION, KAMBAM,

3. THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, MADURAI.

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

+1. CC to Mr.M.JERIN MATHEW Advocate SR.No.1317

ORDER

IN

CRL OP (MD) No.1036 of 2019

Date :24/01/2019

TK/VR/SAR-2/24.01.2019/3P/6C