



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

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1746 of 2019

BALAKRISHNAN

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PANTHALKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.203 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.B.SUDHA SATHYANANTH, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government 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 18.12.2018 for the offences punishable under Sections Girl Missing @ Section 5(1), 6 of Protection of Child from Sexual Offences Act 2012 in Crime No.203 of 2018, on the file of the respondent police, seeks bail.

2. There are totally seven accused in this case. The petitioner here in is A6. The case of the prosecution is that the victim Uma devi was found missing from 27.08.2018. On 17.12.2018 the victim girl was found in Madurai with the petitioner and gave a statement that the petitioner brought her from her home to Coimbatore and Madurai with a false promise to marry her and he had committed sexual assault with her.

3. The learned counsel for the petitioner would submit that he has not committed any offence as alleged by the prosecution. He would also submit that both the petitioner and victim loved with each other and the victim has given a statement that she voluntarily went with the petitioner and they got married and they were living together for the past few months.

4. The learned Government Advocate(Crl.Side) would submit investigation in this case is almost completed. He would further



submit that as regards the petitioner medical examination is also completed.

5. 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.

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 Mahalir Neethimandram (Fast Track Mahila Court) Virudhunagar @ Srivilliputhur and on further condition that:

[a] the petitioner shall appear 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/-

01/02/2019

/ TRUE COPY /

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

TO

1. THE JUDGE,
MAHALIR NEETHIMANDRAM (FAST TRACK MAHILA COURT)
VIRUDHUNAGAR @ SRIVILLIPUTHUR.
2. THE INSPECTOR OF POLICE,
PANTHALKUDI POLICE STATION, VIRUDHUNAGAR DISTRICT.
3. THE OFFICER INCHARGE, JAIL, VIRUDHUNAGAR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.B.SUDHA SATHYANANTH Advocate SR.No.2039

ORDER IN

CRL OP(MD) No.1746 of 2019

Date :01/02/2019