



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

Tuesday, the Twelfth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3719 of 2019

S.MOHAMED ILIYAS

... PETITIONER / SOLE ACCUSED

Vs

THE STATE OF TAMIL NADU,
REPRESENTED BY THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.767/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR. S. SYED ALI Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor

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

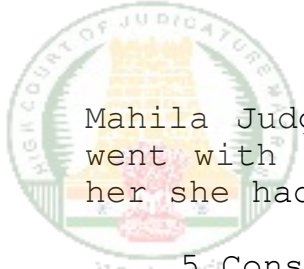
ORDER : The Court Made the following order :-

The petitioner who was arrested on 05.01.2019 for the offences under Sections 366 IPC and Section 5(1)(6) of Prohibition of Children from Sexual Offences Act, 2012 ,in Cr.No.767 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police that her girl child was found missing, thereby the respondent police registered a case as 'Girl Missing' and subsequently after investigation it came to light that the defacto complainant's daughter eloped with the petitioner. Hence the Complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He would also submit that the petitioner and the defacto complainant's daughter are facebook friends and due to some misunderstanding, the defacto complainant's daughter requested the petitioner to take her to his house and she was living there hence, he would pray for bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that 164 Cr.P.C statement was recorded before the learned Additional



Mahila Judge, in which the victim has deposed that she voluntarily went with the petitioner, even when the petitioner refused to take her she had forced him to take her with him.

5. Considering the nature of the case and considering the period of incarceration and also considering the fact that the defacto complainant's daughter went along with the petitioner on her own volition and there is no sexual harassment, I am inclined to grant bail to the petitioner. 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the Mahila Court, Madurai and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/03/2019

/ TRUE COPY /

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



TO

1. THE JUDGE,
MAHILA COURT,
MADURAI.

2. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

3. THE INSPECTOR OF POLICE,
S.S. COLONY POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to MR. S. SYED ALI Advocate SR.No.4680

ORDER
IN
CRL OP (MD) No.3719 of 2019
Date :12/03/2019

AE/PN/SAR-I/13.03.2019/4P/6C