



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/05/2020
PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5473 of 2020

Karuppasamy

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Allinagaram Police Station,
Theni District.
(In Crime.No.73 of 2020)

... Respondent/Complainant

For Petitioner : M/s.S.Gobi, Advocate.
For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime.No.73 of 2020 on the file of the Respondent Police.

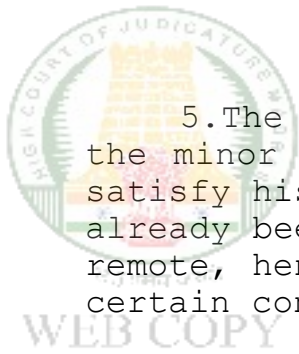
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner was arrested and remanded to Judicial Custody on 30.01.2020 for the offences punishable under section 366 of I.P.C., and Section 4 of POCSO Act in Crime No.73 of 2020 on the file of the respondent police. He seeks bail.

3.Complaint against the petitioner was given by Annakamu, mother of a minor victim girl Abeeshwari. Initially complaint was given for girl missing. Later it was found that the minor girl Abeeshwari was taken away by this petitioner promising her that he loves her and ready to marry her. It appears that minor girl went along with the petitioner on 27.01.2020 and was traced on 30.01.2020.

4.Section 164(5) statement of the victim girl recorded by the Magistrate indicates that the victim minor girl has gone along with the petitioner believing his words and promise. Her statement also indicates that she and the petitioner had physical relationship.



5.The petitioner herein, who is aged about 19 years had incited the minor girl, aged about 15 years and had taken her with him to satisfy his carnal pleasure, however, since the statement of witness already been recorded, the possibility of tampering investigation is remote, hence, I am inclined to enlarge the petitioner on bail with certain conditions.

6.Accordingly the petitioner is ordered to be released on bail on executing bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) and the petitioner shall furnish with two sureties for likesum to the satisfaction of the Mahila Court, Theni and on further condition that,

i)the petitioner shall report before the respondent police as and when required.

ii)the petitioner shall not tamper with evidence or witness.

iii) the petitioner shall not abscond during trial.

iv)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].

v) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/05/2020

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

TO

1. THE JUDGE, MAHILA COURT, THENI.
2. THE OFFICER INCHARGE, SUB JAIL, K.VILAKKU, THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5473 of 2020
Date :27/05/2020