



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

Date : 21/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10024 of 2020

Ajithkumar @ Vijay @ Sadham Usen ... Petitioner/
Sole Accused

Vs

The State rep.by
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
Crime No.1039/2020. ... Respondent/Complainant

For Petitioner : M/s.D.Saranya, Advocate.
For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.1039/2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 21.08.2020 for the alleged offence under Sections 4 Non Act, 366,342 of IPC and Section 5(1),6 of the POCSO Act, 2012.

2. The defacto complainant in this case is the grand father of the minor victim girl. The case of the prosecution is that the victim girl was found missing and hence the defacto complainant has given complaint before the respondent police, based on which crime was registered for 'girl missing'. Subsequently during investigation it was found that the petitioner said to have kidnapped the victim minor girl for the purpose of getting marriage. Hence a crime was altered into Sections 366,342 of IPC and Section 5(1),6 of the POCSO Act, 2012

3.The learned counsel for the petitioner would submit that both the petitioner and the victim girl loved each other and she is on the verge of attaining majority. Since the family members of the victim are seeking alliance for her she came out of her parental home on her own, however no marriage has taken place and the



petitioner herein only advised her to wait till she attains majority.

4. The learned Additional Public Prosecutor would submit that the victim is minor and the petitioner herein said to have kidnapped the minor victim girl for the purpose of getting marriage. Based on the complaint given by the grand father of the victim the victim was also secured.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that there is no allegation of sexual assault and the victim was also secured and also taking note of the fact no marriage has taken place. Taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for Exclusive trial of cases under POCSO Act, Thanajavur District

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police as and when required for interrogation

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

iv) the petitioner shall not abscond during trial.

v) 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].

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

sd/-
21/09/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

TO

- 1.THE SPECIAL COURT FOR EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT, THANAJVUR DISTRICT.
- 2.THE INSPECTOR OF POLICE,
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.10024 of 2020

Date :21/09/2020

AAV

TK/VR/SAR.3/21.09.2020/3P/5C