



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.418 of 2021

Vijay

... Petitioner/Accused

Vs

State Rep. by

The Inspector of Police,
Poovanthi Police Station,
Sivagangai Distirct.

(In Crime No.267 of 2020). ... Respondent/Complainant

For Petitioner : Mr.Anbarasan.K,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

For Intervenor : Mr.P.R.Boomeerajan,
Advocate

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

PRAYER :- For Bail in Crime No.267 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 17.12.2020 for the offences punishable under Sections Girl Missing @ Sections 7 r/w. 8 of POCSO Act, 2012 on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 10.12.2020 the petitioner herein on false promise of marrying the victim girl, abducted her and committed sexual assault on her. Hence the complaint.

3.The learned counsel for the petitioner would submit that due to previous enmity a false case has been foisted against the
<https://hcservices.courts.gov.in/hcservices/> would also submit that on the date of occurrence the



victim picked up quarrel with her brother and she went to his friends hostel and after receiving the complaint she voluntarily appeared before the respondent.

4. The learned counsel for the intervenor would submit that two months ago one Mohan came along with Vijayajothi and Dharmadurai to the house of the defacto complainant and asked her daughter for marriage of the petitioner, but the defacto complainant refused their proposal since the victim is aged about 16 years and she was studying. Two days after the said occurrence the petitioner herein abducted the victim on 10.12.2020..

5. The learned Government Advocate(Crl.Side) would submit that on 10.12.2020 the petitioner herein on false promise of marrying the victim girl, abducted her and committed sexual assault on her. He would also submit that respondent completed investigation and the final report has been filed before the concerned Court.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that final report has been filed before the concerned Court, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. 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 learned Sessions Judge, Special Court for exclusive trial of cases under the POCSO Act, 2012, Sivagangai

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 daily at 10.30 for a period of two weeks and thereafter 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/-

21/01/2021

WEB COPY

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/ /2021

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.

TO

- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER THE POCSO ACT, 2012,
SIVAGANGAI.
- 2 THE INSPECTOR OF POLICE,
POOVANTHI POLICE STATION,
SIVAGANGAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.418 of 2021

Date :21/01/2021

AAV

JM/PN/SAR III/21.01.2021/3P/5C