



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

Date : 04/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1412 of 2021

Manikandan ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thenkarai Police Station,
Periyakulam, Theni District.
Crime No.2033 of 2020.

... Respondent/Complainant

For Petitioner : Mr.R.Shankar Ganesh, Advocate
M/s.Dictum Law Firm

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.2033 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 18.12.2020 for the offence punishable under Sections Girl Missing @ 366 of IPC r/w. Section 4 of Protection of Child from Sexual Offences Act, 2012 on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner on false promise on marrying the victim girl has committed sexual assault on her. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would also submit that both the petitioner and the victim loved each other and they both eloped from the house and stayed in the petitioner's grand mother house. He would also submit that now the petitioner is ready to marry the victim girl after she attains the majority and both the family have also agreed for the same. He would also submit that the petitioner is in jail for more than 40 days, hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that i petitioner on false promise on marrying the victim girl has committed sexual assault on her. He would also submit that investigation is almost over.

5. It is seen from the statement recorded under Section 164Cr.P.C that the petitioner and victim loved each other for the past three years and on coming to know about this the parents of the victim objected the same. Thereafter the victim has compelled the petitioner to take her away. Hence on 16.12.2020 the victim and the petitioner eloped from the house and went to Bodi, Thevaram and finally went to Coimbatore where they stayed in their grand parents place of the petitioner. On 17.12.2020 the victim was secured and the petitioner was arrested. The victim is very determined to continue her relationship with the petitioner and on attaining majority she would marry the petitioner. The parents of the petitioner had also filed an affidavit stating both the families had agreed for marriage of the petitioner with the victim.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking into consideration the agreement filed by both the families, 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, Mahalir Neethimandram (Fast track Mahila Court) Theni

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/-
04/02/2021

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WEB COPY

/ /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,
MAHALIR NEETHIMANDRAM, (FAST TRACK MAHILA COURT),
THENI.
2. THE OFFICER INCHARGE,
DISTRICT PRISON, G.VILAKKU, THENI,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
THENKARAI POLICE STATION,
PERIYAKULAM, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1412 of 2021
Date :04/02/2021

AAV
MS/VR/SAR-2/04.02.2021/3P.5C