



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

Date : 23/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4170 of 2021

Saravanankumar @ Saravanan

... Petitioner/Accused
(sole Accused)

Vs

The State rep.by
The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District.
Crime No.5 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.Mohamed Haneef,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

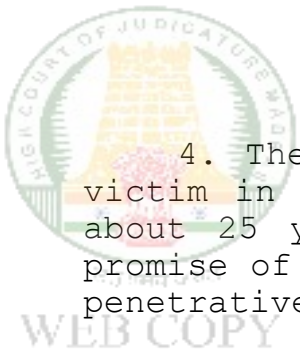
For Bail in Crime No. 5/2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 16.02.2021 for the offences punishable under Section Girl Missing @ 366(A) of IPC and Section 5(1) r/w. 6 of POCSO Act, 2012 on the file of the respondent police seeks bail.

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

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would also submit that both the petitioner and the victim loved each other and the victim on her own left the parental home and went with the petitioner, hence he seeks bail.



4. The learned Government Advocate(Crl.Side) would submit that victim in this case is 14 years and the petitioner herein is aged about 25 years. He would also submit that petitioner on false promise of marrying the victim girl had kidnapped her and committed penetrative sexual assault on her.

5. From the perusal of the statement of the victim recorded under Section 164 of Cr.P.C it is seen that both the petitioner and the victim loved each other and she voluntarily joined with the petitioner and later they have gone to Tiruchendur, Chennai and Bombay and later she had came back to home. The victim in this case is aged about 14 years and a school going girl and the petitioner is aged about 25 years . Though she had stated that it is basically love affair it is due to predominant infatuation and they have contributed for the same. Further substantial portion of the investigation is over.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, 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 Special Court of exclusive trial of cases under the POCSO Act, Thoothukudi.

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 a.m till the filing of charge sheet and thereafter before the trial Court on all hearing dates without fail.

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 filed against him under Section 229A IPC.



vii) the petitioner shall not leave the Thoothukudi till the completion of trial.

sd/-
23/03/2021

/ TRUE COPY /

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 SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, THOOTHUKUDI.

2.THE INSPECTOR OF POLICE,
ARUMUGANERI POLICE STATION,
THOOTHUKUDI DISTRICT.

3.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1 CC to Mr.A.MOHAMED HANEEF, Advocate (SR-2410[I] dated 23/03/2021

ORDER
IN
CRL OP(MD) No.4170 of 2021
Date :23/03/2021

AAV
TK/PN/SAR.4/23.03.2021/3P/6C