



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4595 of 2021

Munish

... Petitioner/ Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Kayathar Police Station,
Thoothukudi District
Crime. No.710/2020.

... Respondent/Complainant

For Petitioner : M/s.Muniyandi.S.,
Advocate.

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

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

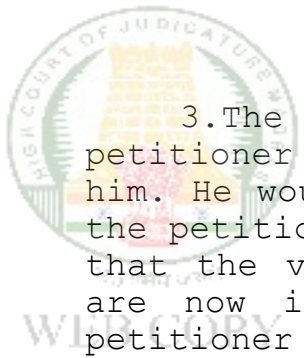
PRAYER :-

For Bail in Crime no. 710 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 20.02.2021 for the offences punishable under Sections Girl Missing @ 366(A) of IPC and Sections 5(1)(j)(ii) r/w. Section 6 of POCSO Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner on the false promise of marrying the victim girl had kidnapped her and had sexual intercourse with her due to which she become pregnant. 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 only the victim threatened and compelled the petitioner to take her away from her house. He would also submit that the victim parents had accepted their relationship and they are now in the victim's house. He would also submit that the petitioner is in jail from 20.02.2021, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that petitioner on the false promise of marrying the victim girl had kidnapped her and had sexual intercourse with her, due to which she became pregnant. He also produced the 164 of Cr.P.C.

5. From the perusal of the statement recorded under Section 164 of Cr.P.C it is seen that both the victim and the petitioner loved each other and the victim on her own left from the grand mother's house with the petitioner and they were living together in Chennai for the past few months and she became pregnant. The victim's parents have accepted the relationship and both the petitioner and the victim are in the house of the victim.

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 learned Sessions Judge, Special Court for exclusive trial of cases under 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 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/-
25/03/2021

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/ /2021

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

AAV

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 POCSO ACT, THOOTHUKUDI.
 - 2 THE INSPECTOR OF POLICE
KAYATHAR 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 M/S.S.MUNIYANDI, Advocate SR.No.2524

ORDER
IN
CRL OP(MD) No.4595 of 2021
Date :25/03/2021

NR/VR/SAR-III(25.03.2021) 3P:6C