



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

Date : 01/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8357 of 2021

Nagaraj

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Kadayanallur Police Station,
Kadayanallur.
Crime No.202 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.Sivasubramanian,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

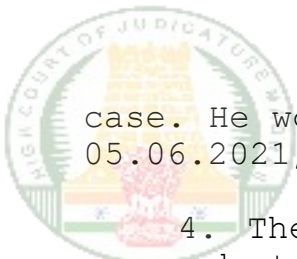
For Bail in Crime No.202 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 05.06.2021 for the offences punishable under Sections 366,376 of IPC and Sections 5 (1) r/w.6 of POCSO Act, 2012 in Crime No.202 of 2021 on the file of the respondent police, seeks bail.

2. The victim Subbulakshmi is the daughter of the defacto complainant, studying 12th standard. The case of the prosecution is that on 09.05.2021 at about 08.30 hrs the victim girl Subbulakshmi left the house informing that she was going to take xerox, she did not return home till 5.00 p.m., They made search but they could not locate her, therefore the case was initially registered under Girl Missing . Subsequently it has been altered to Sections 366,376 of IPC and Sections 5(1) r/w.6 of POCSO Act, 2012.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this



case. He would further submit that the petitioner is in custody from 05.06.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed. His further submission is that this petitioner was in love with the victim girl, they left home and got married on 09.05.2021. He would also submit that the medical examination of both the petitioner and the victim was completed. He also produced the statement of the victim recorded under Section 164 of Cr.P.C.

5. Reading of the 164 Cr.P.C statement of the victim girl shows that she was in love with the petitioner for the past three years and they got married on 09.05.2021 at Ayakudi Murugan Temple. They hired a house at Coimbatore and lived there for 23 days and then returned home. Then she informed her mother about what had happened during her absence from the home. Further it is seen from the 164 Statement that the victim willingly left home to marry the petitioner. Medical examination of both the petitioner and the victim got completed.

6. Taking into consideration all the facts and the fact that the petitioner is in judicial custody from 05.06.2021, this Court is inclined to grant bail to the petitioner

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 for exclusive trial of cases under POCSO Act, Tirunelveli and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
01/07/2021

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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 SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT TIRUNELVELI.
- 2.THE INSPECTOR OF POLICE,
KADAYANALLUR POLICE STATION,
KADAYANALLUR.
- 3.THE OFFICER INCHARGE,
SUB JAIL, TENKASI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8357 of 2021
Date :01/07/2021

AAV
TK/MNR/SAR.4/01.07.2021/3P/5C