



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

Date : 16/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8978 of 2021

Karuppasamy

... Petitioner/Sole Accused

Vs

The State rep by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
Crime No. 248 of 2021.

... Respondent/Complainant

For Petitioner : Mr.RAJABOOPATHY.D,
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.248 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 08.06.2021 for the offences punishable under Sections Girl Missing @ 366 of IPC and Section 5(1)r/w. 6 of POCSO Act in Crime No.248 of 2021 on the file of the respondent police, seeks bail.

2. The case was registered based on the complaint given by the defacto complainant on 03.06.2021 alleging that her daughter was missing from 02.06.2021 night. Originally the case was registered under Girl Missing and subsequently it has been altered to section 366 of IPC and Section 5(1)r/w. 6 of POCSO Act. Now the case of the prosecution is that the petitioner had kidnapped the minor girl from the lawful custody of the guardian with an intention to marry her and he had sexual intercourse with her. Hence the case came to be registered.

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 judicial custody from 08.06.2021, 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. He also produced the 164 Cr.P.C statement of the victim.

5. It is seen from the statement recorded under Section 164 of Cr.P.C that the victim was in love with the petitioner. Her mother was making arrangement to give her in marriage to some other boy, hence she eloped with Karuppasamy/ petitioner herein. Medical examination of both the petitioner and the victim is over.

6. Taking note of the fact and circumstances of the case and taking into consideration the age of the petitioner and also the fact that the petitioner is in judicial custody from 08.06.2021, 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 learned Judicial Magistrate, Thirupuvanam, Sivagangai District 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 Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

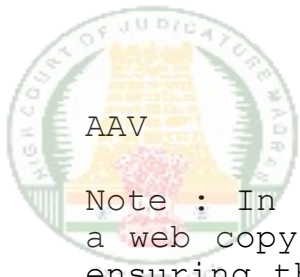
Sd/-

16/07/2021

/ TRUE COPY /

/ /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 JUDICIAL MAGISTRATE, THIRUPUVANAM,
SIVAGANGAI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT JAIL, DINDIGUL.
4. THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-4623[I] dated
16/07/2021)

ORDER
IN
CRL OP(MD) No.8978 of 2021
Date : 16/07/2021

VB/AKM/SAR.II/16.07.2021/3P/7C