



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

Date : 12/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9152 of 2021

Sathish Kumar

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Thirupananthal Police Station,
Thanjavur District.
Crime.No.79 of 2021.

... Respondent/Complainant

For Petitioner : Mr.B.Dhinesh Kumar,
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.79 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested on 08.05.2021 for the offences punishable under Sections 366(A) of IPC @ Sections 366(A), 506(i) of IPC and Section 6 of POCSO Act and Section 9 of Child Marriage Restraint Act in Crime No.79 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant has given this complaint on 14.02.2021 alleging that his daughter/victim girl aged about 16 years, studying 11th standard was missing from home. Originally the case was registered under 'Girl Missing'. Now it has been altered to Sections 366(A), 506(i) of IPC and Section 6 of POCSO Act and Section 9 of Child Marriage Restraint Act



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 08.05.2021, hence he seeks bail.

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4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed.

5. Perusal of the 164 Cr.P.C statement of the victim girl shows that both the petitioner and the victim were in love for more than five years. On 13.02.2021 they left to Kumbakonam and then to Kerala. Thereafter the petitioner had tied thali and then they lived in a house for two months. It is seen from the materials produced that both the petitioner and the victim were in love and subsequently married. Medical examination of both the petitioner and the victim is over.

6. Taking note of the fact and circumstances of the case and also the fact that the substantial portion of the investigation might have been completed by this time and the fact that the petitioner is in judicial custody from 08.05.2021, 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 District Munsif cum Judicial Magistrate, Thirupananthal 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/-
12/07/2021

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPANANTHAL.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
THIRUPANANTHAL POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9152 of 2021
Date :12/07/2021

AAV
TK/VR/SAR.3/12.07.2021/3P/6C