



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9355 of 2021

Pandian

... Petitioner/Sole Accused

Vs

The State Represented by
The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
Cr.No. 491 of 2021..

... Respondent/Complainant

For Petitioner : Mr.K.Mariayappan,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

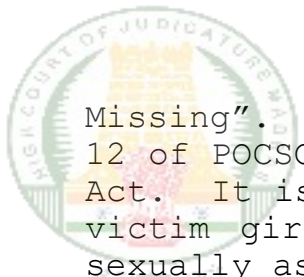
PRAYER :-

For Bail in Crime No.491 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 09.06.2021 for the offences punishable under Section Girl Missing, under Sections 11(iv) r/w. 12 of POCSO ACT, Section 366(A) of IPC and 5(1) r/w 6, 4(2) of POCSO Act in Crime No.491 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de-facto complainant's daughter, the victim girl was found missing from her house from 03.00 a.m., on 04.06.2021. The de-facto complainant suspected that one Pandian S/o.Balakrishnan had kidnapped her daughter. Therefore, this case was originally registered as a "Girl



Missing". Then, the case has been altered to Section 11(iv) r/w. 12 of POCSO ACT, Section 366(A) of IPC and 5(1) r/w 6, 4(2) of POCSO Act. It is now the case of the prosecution that the accused and the victim girl were in love with each other. The accused had also sexually assaulted the victim girl many times.

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3.The learned counsel for the petitioner would submit that the petitioner is innocent and he is in judicial custody from 09.06.2021 and hence, he seeks bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent opposed this petition on the ground that investigation in this case is completed and final report has also been filed.

5.Taking note of the fact and circumstances of the case and the fact that investigation in this case is completed and final report has also been filed and also the fact that the petitioner is in judicial custody from 09.06.2021, this Court is inclined to grant bail to the petitioner.

6.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 Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur, 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 trial Court on all hearing dates at 10.30 a.m., without fail.

[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 themselves 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/-

26/07/2021

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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 SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT, THANJAVUR.
2. THE INSPECTOR OF POLICE, PANDHANALLUR POLICE STATION, THANJAVUR DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT JAIL, PUDUKOTTAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9355 of 2021
Date :26/07/2021

SJI
SS/JM/SAR-III/26.07.2021 : 3P/5C