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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9460 of 2021

Kasi Rajan

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Kallikudi Police Station,
Madurai District
(Crime No. 100/2021).

... Respondent/Complainant

For Petitioner : Mr.Jeyakarthik.M.S,
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.100/2021 to enlarge the petitioner on bail in connection with the F.I.R. in Crime No.100 of 2021 pending investigation on the file of Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 08.05.2021 for the offences punishable under Girl Missing @ Section 5(1)& 6 of POCSO Act in Crime No.100 of 2021 on the file of the respondent police, seeks bail.

2. The case was originally registered on the basis of the complaint given by the defacto complainant alleging that her daughter was missing from 22.04.2021. Originally the case was registered under Girl Missing @ Section 5(1)& 6 of POCSO Act. The case of the prosecution now is that the accused had kidnapped the victim girl and had sexual relationship with her.



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.

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 has also produced the 164 Cr.P.C statement of the victim girl

5. From the narration of the facts it is seen that the accused had kidnapped the victim girl and had sexual relationship with her. On reading the 164 Cr.P.C statement of the victim girl it is seen that she was having relationship with the accused. On knowing their relationship the victim was reprimanded and abused. She called the accused over phone when he was in Palladam. He instructed her to come to Mathuthavani bus stand and then she left to Palladam along with the accused. They had sexual relationship. The narration of the events as reflected from the 164 Cr.P.C statement shows that the victim and the accused were in love with each other and she left the home on her own. Now the medical examination of both the petitioner and the victim is over.

6. Taking note of the fact and circumstances of the case and the fact that the petitioner is in judicial custody from 07.05.2021, 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 Judicial Magistrate, Thirumangalam 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.

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sd/-
16/07/2021

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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 JUDICIAL MAGISTRATE, THIRUMANGALAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
KALLIKUDI POLICE STATION,
MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.M.S.JEYAKARTHIK, Advocate (SR-4626[I] dated 16/07/2021)

ORDER
IN
CRL OP(MD) No.9460 of 2021
Date :16/07/2021

AAV

TE/VR/SAR-II : 16/07/2021 : 3P/7C