



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9784 of 2021

Ajay

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
Crime No. 655 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Faizal Kirmani
for Mr.K.M.Karunakaran,
Advocate.

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

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

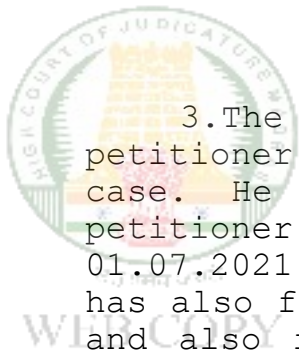
PRAYER :-

For Bail in Crime No.655 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 04.07.2021 for the offences punishable under Sections 366 of IPC and 5(1) and 6 of POCSO Act and 9 of Child Restraint Act, in Crime No.655 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl was under the care and custody of the defacto complainant. The victim girl was missing from her home from 06.06.2021. Therefore the case came to be registered under 'Girl Missing'. Subsequent investigation revealed that the accused had kidnapped the victim girl from the lawful custody of the defacto complainant on the promise of marrying her and then married her on 06.06.2021. After marriage he had sexual intercourse with her. Therefore the case has been altered to Sections 366 of IPC and 5(1) and 6 of POCSO Act and 9 of Child



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 victim girl and the petitioner were in love with each other and they married only on 01.07.2021 and not as projected by the prosecution on 06.06.2021. He has also filed copy of the transfer certificate of the victim girl and also representation alleged to have been sent by her to the Superintendent of Police , Thanjavur. He would further submit that the petitioner is in judicial custody from 04.07.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the victim girl was is short of 18 days for completing her 18 years, when she was kidnapped by the petitioner. It is his further submission that medical examination of the victim, accused is over. 164 Cr.P.C statement of the victim is also recorded.

5.The accused stated to be 19 years old. The victim is stated to be short of 18 days for completing her 18 years. It is seen from the representation sent by the victim that she was in love with the petitioner for over two years and they got married on 01.07.2021 for the reason that her guardians were making attempt to get her married with some other person. Medical examination of the victim, accused is over. 164 Cr.P.C statement of the victim is also recorded

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 04.07.2021, 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 Sessions Judge, 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 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
<https://hccourtmd.gov.in/hcservices> 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/-
27/07/2021

/ TRUE COPY /

/ /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 SESSION JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRAIL OF CASES UNDERPOCSO ACT,
THANJAVUR.
- 2.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 3.THE INSPECTOR OF POLICE
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.9784 of 2021
Date :27/07/2021

SA/VR/SAR.4/27.07.2021/3P/5C