



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/07/2021
PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.10086 of 2021

Maharajan ... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District.
Crime No. 106 of 2021..

... Respondent/Complainant

For Petitioner : Mr.C.SUSI KUMAR, Advocate.
For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Government Advocate(crl.side)

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

PRAYER :-

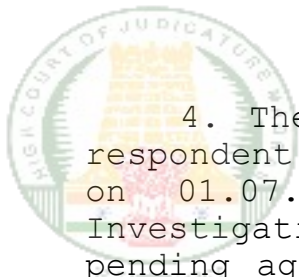
For Bail in Crime No.106 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 09.07.2021 for the offences punishable under Sections Girl Missing @ 366(A) of IPC and Section 5(1)r/w.6 of POCSO Act in Crime No.106 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is working as a Head Constable in Central Industrial Security Force. He come to his native on 16.06.2021. From 01.07.2021 morning his daughter/ the victim girl was not found in the home. Inspite of tracing her he could not trace her. Hence he gave complaint. Originally the case was registered as Girl Missing. During investigation it came to light that the accused in this case had kidnapped the victim from the lawful custody of the guardians and had forcible sexual relationship with her. Now the case has been altered to Sections 366(A) of IPC and Section 5(1)r/w.6 of POCSO 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 it is a case of love affair. He would further submit that the petitioner is in judicial custody from 09.07.2021, hence he seeks bail.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that First Information Report was registered on 01.07.2021 and the accused was arrested on 09.07.2021. Investigation is not yet completed. Further three previous cases are pending against the petitioner in Crime Nos.08 of 2014,197 of 2017 and 232 of 2017 on the file of the Nanguneri Police Station.

5. The narration of the fact shows that the minor victim girl aged about 16 years was taken out from the lawful custody of the guardians. From the 164 Cr.P.C statement of the victim it is seen that the petitioner had blackmailed the victim to come with him otherwise he would commit suicide. Then he took her to Chennai, sexually abused her and then she was apprehended. This case shows that the minor victim girl aged about 16 years was ravished by the petitioner by kidnapping her from the custody of lawful guardians. Further three previous cases are pending against the petitioner.

6. Taking into consideration all these factors and also the nature of case and the fact that the investigation is at the preliminary stage, this Court is not inclined to grant bail to the petitioner.

7. In the result, the petition stands dismissed.

sd/-
29/07/2021

/ 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 SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 2.THE INSPECTOR OF POLICE,
MOONDRADAIPPU POLICE STATION,
TIRUNELVELI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.10086 of 2021
Date :29/07/2021