



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11399 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.T.SENTHILKUMAR,
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 offence under Section Girl Missing @ Section 366(A) I.P.C 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 petitioner abducted the victim girl aged about 16 ½ years and had physical relationship with her.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in jail for the past 32 days, hence he may be granted bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the statement has been recorded from the victim under Section 164 Cr.P.C, in which, she has stated that she had love affair with the petitioner, who is aged about 25 years for the past 1 ½ years and at the instance of the petitioner, she eloped with him, stayed at Chennai in a rented house and he had physical relationship with her. He would further submit that the investigation is almost completed.

5. Considering the facts and circumstances of the case, the age of the petitioner as well as the victim girl, the statement recorded from the victim girl under Section 164 Cr.P.C., the stage of the investigation and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and 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 POCSO Act Cases, Tirunelveli and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

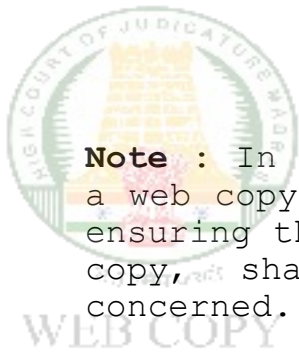
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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 229-A IPC.

sd/-
13/08/2021

/ 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 SESSIONS JUDGE
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.
- 2.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 3.THE INSPECTOR OF POLICE
MOONDRADAIPPU POLICE STATION,
TIRUNELVELI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI DISTRICT.

ORDER

IN

CRL OP(MD) No.11399 of 2021

Date :13/08/2021

SA/VR/SAR.3/13.08.2021/3P/5C