



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12.10.2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15809 of 2021

Muthukannan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Kallikudi Police Station,
Madurai District.
Crime No.172 of 2021

...Respondent/Complainant

For Petitioner : Mr.A.Jeyaram
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.172 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 28.08.2021 for the alleged offence under Section 366 IPC and Section 5(1) r/w 6 of POCSO Act, in Crime No.172 of 2021 on the file of the respondent police, seeks bail.

2.The allegation against the petitioner is that he kidnapped the minor victim girl and had physical relationship with her.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl loved each other. He would further submit that the petitioner has not committed any offence as alleged by the prosecution. He is in judicial custody from 28.08.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that the victim girl was secured and now she is with her parents. He would further submit that the medical examination is already over and the investigation is yet to be



5. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that no specific overt act is attributed against him, this Court is inclined to grant bail to the petitioner.

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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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Principal Special Court for POCSO Act Cases, Madurai, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge 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 for a period of one month and thereafter, as and when required for interrogation.

[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 Judge/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/-
12/10/2021

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/ /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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1. THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT FOR POCSO ACT CASES,
MADURAI.

2. THE INSPECTOR OF POLICE,
KALLIKUDI POLICE STATION,
MADURAI DISTRICT.

3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.A.JEYARAM, Advocate (SR-7187[I] dated 12/10/2021)

ORDER

IN

CRL OP(MD) No.15809 of 2021

Date :12/10/2021

SJI/SN

MS/VR/SAR-2/12.10.2021/3P.6C