



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

Date : 21/10/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.15922 of 2021

Vignesh ... Petitioner/Sole Accused

Vs

The state represented by
The Inspector of Police,
C-3 S.S Colony Police Station (L & O),
Madurai City.
(Cr.No.754 of 2021). ... Respondent/Complainant

For Petitioner : Mr.D.S.Haroon Rasheed,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor
(Crl.Side)

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

PRAYER :-

For Bail in Crime No.754 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 09.08.2021, for the offence punishable under Sections Girl Missing altered as 366(A) of IPC and 5(1) & 6 of POCSO Act, in Crime No.754 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner had kidnapped her minor daughter and committed penetrative sexual assault. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that there was a love affair between the daughter of the defacto complainant and the petitioner. Thereby, the victim girl had eloped from the house of the defacto complainant and joined the petitioner. On finding that the girl was missing, the mother of the victim girl had given complaint to the respondent police and on coming to know about the



registration of the case, the petitioner had produced the girl before the concerned officer. He would further submit that the petitioner has been suffering incarceration from 09.08.2021 and prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police has produced the statement recorded from the victim girl under Section 164 Cr.P.C, in which, she has stated that the petitioner and the victim girl loved each other. He would further submit that the substantial portion of investigation is completed.

5.Considering the facts and circumstances of the case, 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 ordered. The petitioner is directed 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 Special Judge 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 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 a.m. 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.

sd/-

21/10/2021

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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 SPECIAL JUDGE FOR POCSO ACT CASES,
MADURAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE
C-3 S.S COLONY POLICE STATION (L AND O)
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15922 of 2021
Date :21/10/2021

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SS/JM/SAR-II/21.10.2021 : 3P/5C