



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

Date : 11.11.2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17496 of 2021

Vijayakumar @ Kumar

... Petitioner/Sole Accused

Vs

The state represented by
The Inspector of Police,
Thirumayam Police Station,
Trichy City.

Crime No.542 of 2020 ... Respondent/Complainant

For Petitioner : Mr.B.Jameel Arasu,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.542 of 2021 on the file of the respondent police.

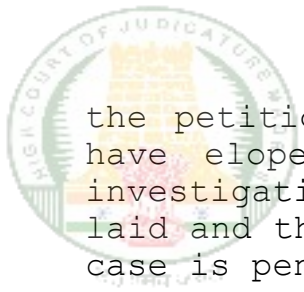
ORDER : The Court made the following order :-

The petitioner/Sole Accused is facing a charge for the offence under Section Girl Missing @ 366 (A) and 342 IPC @ 366(A) IPC, 5(1) and 6(1) of POCSO (Amendment) Act 2019 and 9 of CMR Act in SPL.S.C.No.25 of 2021 on the file of the Sessions Judge, Mahila Court, Pudukkottai, seeks bail.

2.The case of the prosecution is that the petitioner who is aged about 21 years had kidnapped the minor victim girl, aged about 16 years. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the victim girl were in love with each other and the victim girl had voluntarily accompanied the petitioner. He would further submit that the petitioner is in judicial custody from 02.08.2021. Hence, he seeks bail.

4.The learned Additional Public Prosecutor for the respondent police has furnished the copy of 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 and that they have eloped and got married. He would further submit that the investigation was completed and the charge sheet has already been laid and the case was taken on file in Spl.S.C.No.25 of 2021 and the case is pending for trial.

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5.It is the specific case of the prosecution that the victim girl is aged about 16 years and the petitioner is aged about 21 years. According to the learned Additional Public Prosecutor, the investigation was completed and the charge sheet has already been laid and the case was taken on file in Spl.S.C.No.25 of 2021 and the case is pending for trial.

6.Considering the above and also the facts that the petitioner is in custody from 02.08.2021 and that the case is pending for trial before the learned Sessions Judge, Mahila Court, Pudukkottai, 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.II, Trichy.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the trial Court daily at 10.30 a.m for a period of one month and thereafter as and when required for interrogation;

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

11/11/2021

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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 SESSIONS JUDGE,
MAHILA COURT, PUDUKOTTAI.
- 2 THE JUDICIAL MAGISTRATE NO.II,
TRICHY.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5 THE INSPECTOR OF POLICE
THIRUMAYAM POLICE STATION, TRICHY CITY.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17496 of 2021
Date :11/11/2021

SJI

SS/JM/SAR-II/11.11.2021 : 3P/7C