



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/12/2021
PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.20945 of 2021

Sanjaikumar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Devadanapatti Police Station,
Theni District.
(Crime No.658 of 2021)

... Respondent/Complainant

For Petitioner : M/s.JOEL PAUL ANTONY.A, Advocate.

For Respondent : Mr.SS.MADHAVAN,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.658 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 30.11.2021 for the offences punishable under section 366 of I.P.C., and section 4 of POCSO Act, in Crime No.658 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the mother of the victim girl. The victim girl is aged about 17 years. The petitioner is aged about 19 years. On 29.11.2021, the girl was found missing. On the basis of the complaint given by the defacto complainant, a case was registered against the petitioner and found that they loved each other and the petitioner had sexual intercourse with the victim girl. Hence, this complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner and the defacto complainant are close relatives. The victim girl and the petitioner loved each other. When the same came to the knowledge of the family of the defacto complainant, they did not accept their love. Hence, this false case has been foisted against the petitioner. Hence, he seeks bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submitted that the petitioner herein had kidnapped the victim girl and had sexual intercourse with her.



5. But, however, even as per the First Information Report, the victim girl was absconding from her house and no allegation is alleged against the petitioner.

6. Considering the above said fact and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with stringent conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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 Judicial Magistrate, Periyakulam, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of 30 days.

sd/-

29/12/2021

/ TRUE COPY /

29/12/2021

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 JUDICIAL MAGISTRATE, PERIYAKULAM.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE OFFICER INCHARGE
THEKKAMPATTI DISTRICT JAIL,
ANDIPATTI TALUK, THENI.

4 THE INSPECTOR OF POLICE
DEVADANAPATTI POLICE STATION, THENI DISTRICT.

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

ORDER IN

CRL OP(MD) No.20945 of 2021

Date : 29/12/2021

SA/PN/SAR.4/29.12.2021/2P/6C