



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/12/2021

PRESENT

WEB COPY

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.21048 of 2021

Ajith Kumar,
S/o. Marimuthu,
No. 296, Old Colony,
Pidarampatti, Kunathur Post,
Viralimalai Taluk,
Pudukottai District.

... Petitioner/Accused

Vs

The Inspector of Police,
Mathur Police Station,
Pudukottai.
(Crime No. 228 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Ganapathi Subramanian P.,
Advocate.

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

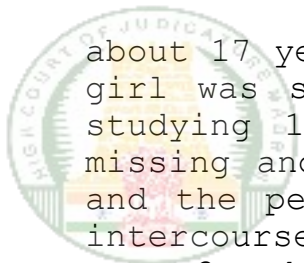
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 228 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested on 26.10.2021 for the offences punishable under section Girl missing @ 363 of I.P.C., sections 5(1), 5(j) (ii) r/w 6(1) of Protection of Children from Sexual Offences (Amendment) Act, 2019 and section 9 of Child Marriage Restraint Act, 1929, in Crime No. 228 of 2021, on the file of the respondent police, seeks bail.



about 17 years and the petitioner is aged about 23 years. The victim girl was staying in the house of the defacto complainant and was studying 11th standard. On 19.10.2021, the victim girl was found missing and after investigation, it was found that the victim girl and the petitioner loved each other and the petitioner had sexual intercourse with her. 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 victim girl and the petitioner loved each other and she voluntarily went with the petitioner. Even 164 statement also, there is no allegation against the petitioner. Hence, he seeks bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that investigation has been completed and final report was filed before the Mahila Court, Pudukottai, and it has not been taken on file so far and he has produced a copy of the 164 statement of the victim girl.

5. On perusal of the 164 statement given by the victim girl, it is seen that both the victim and the accused loved each other and she went with the accused on her own wish and there is no specific allegation against the petitioner.

6. Considering the period of incarceration and also considering the fact that the final report has been filed before the concerned Court and committal proceedings is going on, 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 Sessions Judge, Mahila Court, Pudukkottai, 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.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. The Sessions Judge,
Mahila Court,
Pudukkottai.
2. The Officer in Charge,
District Prison,
Pudukkottai.
3. The Inspector of Police,
Mathur Police Station,
Pudukkottai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S.GANAPATHI SUBRAMANIAN P. Advocate SR.No.9825
ORDER
IN
CRL OP(MD) No.21048 of 2021
Date :29/12/2021

MGJ(28.12.2021)/CK/SAR IV 3P 6C