



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of May Two Thousand Twenty Two
PRESENT

The Hon`ble Mr Justice M.NIRMALKUMAR
CRIMINAL ORIGINAL PETITION No.11172 of 2022

POOVARASAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
PAPPIREDDIPATTI POLICE STATION,
DHARMPURI DISTRICT.
CRIME NO.59 OF 2022.

[RESPONDENT]

For Petitioner : M/S.J.BHARATHI RAJA Advocate

For Respondent : M/S. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

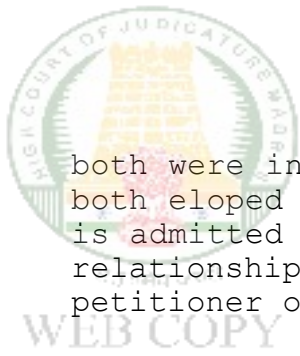
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 23.03.2022 for the alleged offences under Sections Girl Missing @ 363, 366(A) IPC @ 363, 366(A) IPC, 3 r/w 4(1) of POCSO Act, 2002 in Crime No.59 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the victim girl were in love for about 1 ½ years. It is alleged that the petitioner had eloped with the minor victim girl and thereafter forcibly had physical relationship with her. Thereby, the defacto complainant, who is the father of the victim girl, lodged a complaint against the petitioner.

3. The learned counsel for the petitioner submitted that the victim girl eloped with the petitioner and both were in physical relationship. It is the further submission of the learned counsel for the petitioner that the victim girl is a minor girl and the petitioner is ready and willing to marry the victim girl with the consent of both the family members once she attains majority.

4. The learned Additional Public Prosecutor appearing for the respondent produced 164 Cr.P.C. statement of the victim girl, in which, the victim girl admits her love affair with the petitioner and



both were in relationship for some time. Due to some compulsion, they both eloped and now returned back to their parents' house. Further it is admitted that the victim girl is also interested in continuing the relationship with the petitioner. However, he opposed to enlarge the petitioner on bail.

5. Considering the above submission and the facts of the case, this Court is inclined to enlarge the petitioner on bail subject to imposing conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a 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 concerned Mahila Court Judge, Mahila Court, Dharmapuri 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, for a period of two weeks, thereafter as and when required for interrogation;

[c] the petitioner shall not tamper with 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 Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

25/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE MAHILA COURT JUDGE,
MAHILA COURT, DHARMAPURI

2 THE OFFICER INCHARGE,
DISTRICT JAIL, DHARMAPURI

3 THE INSPECTOR OF POLICE,
PAPPIREDDIPATTI POLICE STATION,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.J.BHARATHI RAJA Advocate on payment of necessary
charges Sr.7879

CRL OP.11172/2022

Date :25/05/2022

RVR 26/05/2022