



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Third day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.12202 of 2022

SIKANTHAR BATSHA

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED THROUGH
THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
PALLADAM, TIRUPPUR
CRIME NO.76/2022

[RESPONDENT]

For Petitioner : M/S.M.MAHARAJA Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

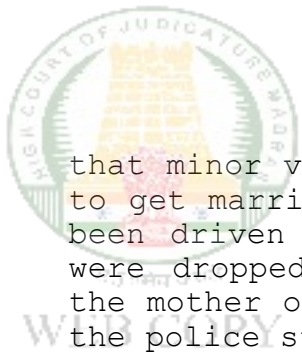
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 06.03.2022 for the alleged offence under Sections 366 and 366(A) of I.P.C. and Sec.7 r/w 8 of POCSO Act in Crime No.76 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that a minor victim girl was found missing on 04.03.2022 and she is said to have been kidnapped by A1 to A3. That apart, A1 is also said to have attempted to sexually abuse the minor victim girl.

3. Heard Mr.M.Maharaja, learned counsel for the petitioner and Mr.S.Santhosh, learned Government Advocate (Crl.Side) for the respondent Police.

4. There are totally 3 accused persons in this case and the petitioner has been arrayed as A2. This Court carefully went through the 164 statement recorded from the minor victim girl. It is seen



that minor victim girl developed a relationship with A1. They decided to get married and hence, they got into a car, which is said to have been driven by the petitioner. Ultimately, minor victim girl and A1 were dropped in a temple at Saamalapuram. Information was given to the mother of minor victim girl, and she was taken by her mother from the police station.

5. Taking into consideration of the facts and circumstances of the case and also the statement given by minor victim girl and also considering the age of the petitioner and also the fact that the petitioner had already suffered incarceration for nearly 79 days, this Court is inclined to enlarge the petitioner on bail.

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 learned Sessions Judge, Mahila Court (FAC), Tiruppur 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 as and when required.

[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 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/-

23/05/2022

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 SESSIONS JUDGE,
MAHILA COURT (FAC), TIRUPPUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
PALLADAM, TIRUPPUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.MAHARAJA Advocate on payment of necessary charges
SR.NO. 7790

CRL OP.12202/2022

Date :23/05/2022

RW-24/05/2022