



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

Dated: 03/02/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

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Crl.OP(MD)No.924 of 2022

Santhosh @ Gunasekaran

... Petitioner/Sole Accused

Vs.

The State rep. By
The Inspector of Police,
All Women Police Station, Alangudi,
Pudukkottai District.
(Crime No.13 of 2021)

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh, 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.13 of 2021 on the file of the Respondent Police.

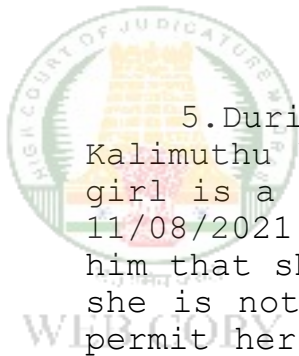
ORDER : The Court made the following order:-

The petitioner, who is arrayed as sole accused was arrested and remanded to judicial custody on 23/11/2021 for the offences punishable under sections 363 and 506(i)IPC and section 4(1) of the Protection of Children from Sexual Offences Act, 2012 (POCSO) Act, in Crime No.13 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 11/08/2021 at about 3.00 pm, while the de-facto complainant was returning from Typing Class, the accused person kidnapped her in a motor bike, taken her to his aunt's house and had sexual intercourse against her will, by saying that he will marry her and subsequently, threatened her not to disclose the incident to any body or otherwise, he will murder her mother.

3.Heard both sides.

4.The entire CD file has been called for and perused. Perusal of the CD file shows that originally, the victim girl alleged to have been kidnapped by the petitioner and was taken to various places. The complaint has been given by the mother of the victim girl and in respect of which, a case has been registered originally as 'girl missing'. Later after securing the girl and after making a written complaint before the concerned Special Court, the case has been registered against this petitioner.



5. During the course of investigation, a statement of one Kalimuthu has been recorded, wherein he has stated that the victim girl is a close relative of his wife and she came to their house on 11/08/2021 at about 10.00 pm. The victim girl alleged to have told him that she came to visit the Thanjavur Temple and because of rain, she is not in a position to return her house and requested them to permit her to stay in the house for a night. Some time later, this petitioner also came there and it appears that both the victim as well as the petitioner stayed in their house, till next day morning. Later the petitioner alleged to have left the house and when the victim girl was about to be taken to her parental home, she refused. On 30/08/2021 only, the victim girl was taken by his wife to her parental home and later, the case has been registered.

6. So reading of this statement shows that there was some sort of affair between the victim girl and this petitioner. What went wrong between them later, is a matter for investigation. The medical examination report is also over. The victim girl has stated in her statement that he was enticed by the petitioner and taken to the relatives house of the petitioner, even though she refused to marry the petitioner. She also stated that during the stay in the relatives house of the petitioner, she was subjected to sexual intercourse.

7. It appears that only after the persisting pressure and effort made by the mother of the victim, the case has been registered. Now the entire facts and circumstances of the case shows that some sort of affair between the victim as well as the petitioner. The date of occurrence is stated to be 11/08/2021 and the date of birth of the victim is 03/12/2003. On the date of the alleged occurrence, it appears that the victim girl age is 17 +.

8. Considering the facts and circumstances of this case and also considering the duration of the custody of the petitioner and major portion of the investigation is also over, this court is inclined **to grant bail** to the petitioner with certain conditions. 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, Pudukkottai and on further condition that the petitioner shall report before the respondent police once 15 days at 10.30 am until further orders.

sd/-
03/02/2022

/ TRUE COPY /

/ /2022
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.

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- TO
- 1 THE SESSIONS JUDGE, MAHILA COURT,
PUDUKKOTTAI.
 - 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ALANGUDI,
PUDUKKOTTAI DISTRICT.
 - 3 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.924 of 2022
Date :03/02/2022

ER
MK/PN/SAR.II/04.02.2022/3P/5C