



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/01/2022
PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.1374 of 2022

Lakshmanan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Vellanur Police Station,
Pudukottai District.
Crime No.315 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.Mithun Chakravarthi,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.315 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 18.11.2021 for the offence punishable under Sections Girl Missing @ 366(A) IPC @ 366(A)IPC, 7 r/w 8, 5(1) r/w 6(1) of POCSO (Amendment) Act, 2019, in Crime No.315 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the father of the victim girl. The victim girl is aged about 16 years and the accused is aged about 21 years. The accused kidnapped the victim girl and had sexual intercourse with her. Hence the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Hence, he seeks for grant bail. He would further submit that the victim girl and the petitioner loved each other and the victim girl voluntarily went with the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent submitted that this is second bail application.

<https://hccs.ceramics.gov.in/hccs/cases>



The petitioner's earlier application was dismissed by this Court on 29.12.2021 by considering the statement given by the victim before the learned Magistrate. He further submitted that the petitioner is having one previous case.

5. Considering the facts and circumstances of the case and also taking into consideration the period of incarceration and the issue between the parties is only love affairs, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, this Criminal Original Petition is ordered. The petitioner is directed to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Pudukkottai, 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 30 days and thereafter as and when required.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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/-
27/01/2022

/ 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.

WEB COPY

- TO
- 1 THE SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI.
 - 2 THE INSPECTOR OF POLICE
VELLANUR POLICE STATION,
PUDUKOTTAI 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.1374 of 2022
Date :27/01/2022

vsd
MK/PN/SAR.IV/27.01.2022/3P/5C