



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

Dated: 02/02/2022

PRESENT

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

WEB COPY

Crl.OP(MD)No.1718 of 2022

Pugalenthil @Purushothaman : Petitioner/Sole Accused

Vs.

The Inspector of Police,
Pattukkottai Taluk Police Station,
Thanjavur District.

(Crime No.668 of 2021) : Respondent/Complainant

For Petitioner : Mr.Raja.Karthikeyan

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.668 of 2021 on the file of the Respondent Police.

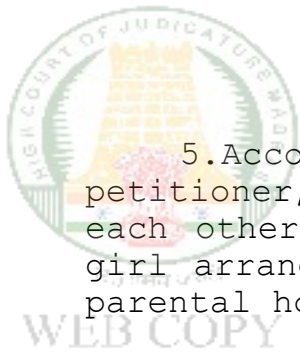
ORDER : The Court made the following order:-

The petitioner, who is arrayed as sole accused was arrested and remanded to judicial custody on 11.12.2021 for the offence under 'girl missing' @ 366 IPC and 5(L) of POCSO Act, in Crime No.668 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused person kidnapped the victim girl, who is aged about 16 years under the guise of love affair.

3.Heard both sides.

4.The entire CD file has been called for and perused. The earlier bail application filed by this petitioner came to be dismissed by the Special Court, Thanjavur, in Crl.MP No.15 of 2022, dated 10/01/2022. The victim girl is aged about 16 years and was studying 11th standard.



5. According to the learned counsel appearing for the petitioner, the petitioner and the victim girl were in love with each other for four years. But however, the parents of the victim girl arranged marriage with some other boy. So the victim left the parental home by leaving a note.

6. Perusal of the CD file shows that it is a clear case of immature behaviour on the part of the victim girl she left a note before leaving the house stating that she left the house to live on her own and if search is made, she will commit suicide. Reading of the letter shows that as mentioned earlier, it is a clear case of act of immature. The petitioner ought to have advised the victim girl, considering the immature activity. But instead he also took the victim girl to various places. Except the confession statement of the accused person, the statement of the victim girl is not recorded so far under section 164(3) Cr.P.C.

7. But during the course of enquiry by the Investigating Officer, it appears that the victim girl has stated that she was in love with the petitioner and her parents try to arrange marriage with some other person, which was not liked by her, she voluntarily left the parental home and informed the petitioner about the development. So on that score, she was taken to Karaikkudi, where both stayed in a rented house. From where, they have been secured. No medical report is also available in the CD file.

8. However considering above facts and circumstances of the case and also considering the period of incarceration, this court is inclined **to enlarge the petitioner on bail** with certain conditions.

9. 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 Judicial Magistrate, Pattukottai, Thanjavur District and on further condition that the petitioner shall report before the Judicial Magistrate No.1, Trichy, once in 15 days at 10.00 a.m. until further orders. The petitioner is also directed to stay away from the place of occurrence until further orders.

sd/-
02/02/2022

/ TRUE COPY /

/ /2021
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.

TO

1 THE JUDICIAL MAGISTRATE, PATTUKOTTAI
THANJAVUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE JUDICIAL MAGISTRATE NO.I, TRICHY.

4 THE CHIEF JUDICIAL MAGISTRATE
TRICHY.

5 THE INSPECTOR OF POLICE
PATTUKKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO. 668/2021)

6 THE OFFICER INCHARGE,
PUDUKOTTAI DISTRICT JAIL, PUDUKOTTAI.

7 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1718 of 2022
Date :02/02/2022

TR/VR/SAR-IV(02.02.2022) 3P 8C