



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.2342 of 2022

WEB COPY

Pasupathi

... Petitioner/Accused No.1

Vs

State represented by
The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.
(Crime No.746 of 2021)

... Respondent/Complainant

For Petitioner : Mr.M.SURESH, Advocate
For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.746 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

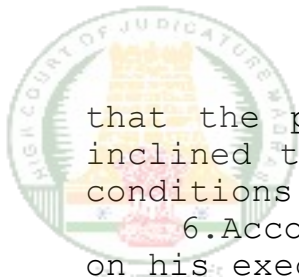
The petitioner/A.1, who was arrested and remanded to judicial custody on 26.12.2021 for the offences punishable under Section Girl Missing altered into Sections 5(1), r/w.6(1) and 17 of POCSO Act and Sections 9 & 10 of Prohibition of Child Marriage Act, 2006, in Crime No.746 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 17.12.2021, the defacto complainant's younger daughter was found missing and hence, he lodged a complaint before the respondent police. On 25.12.2021, the victim girl was secured and gave a statement under Section 164 Cr.P.C., and on that basis, the respondent police altered the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit that the victim girl was aged about 15 years at the time of the alleged occurrence and that in the statement recorded under Section 164 Cr.P.C., the victim girl has stated that she was in love with the petitioner and she had alone eloped with the petitioner and that both of them went to Thirupur. He would further submit that investigation is almost completed except the medical report.

5.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 26.12.2021, that investigation is almost completed except the medical report and



that the petitioner is not having bad antecedents, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered 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 District.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial;

(v) 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]**.

(vi) If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

17/02/2022

/ TRUE COPY /

17/02/2022

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.

TO

1 THE SESSIONS JUDGE, MAHILA COURT, PUDUKKOTTAI DISTRICT.

2 THE OFFICER INCHARGE, DISTRICT JAIL, PUDUKKOTTAI.

3 THE INSPECTOR OF POLICE,
ANNAVASAL POLICE STATION, PUDUKKOTTAI DISTRICT.

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

ORDER IN

CRL OP(MD) No.2342 of 2022

Date : 17/02/2022

SA/PN/SAR.3/17.02.2022/2P/5C

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