



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/02/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.2647 of 2022

S.Dinesh

... Petitioner/Sole Accused

Vs

The state represented by
The Deputy Superintendent Of Police,
Vangal Police Station,
Karur District.
(Crime No. 655 of 2021).

... Respondent/Complainant

For Petitioner : Mr.B.Mahendrarajan,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 655 of 2021 on the file of the respondent police.

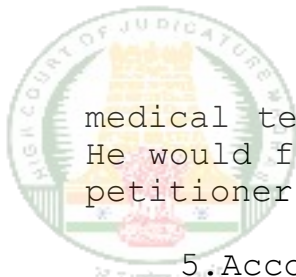
ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 04.01.2022 for the offences punishable under Sections Girl Missing @ 366 IPC, 5(1), 6 of POCSO Act, Section 9 & 10 of the Prohibition of Child Marriage Act, 2006 r/w 3(1)(w)(i), 3(2)(va) of SC/ST (POA) Amendment Act, 2015, in Crime No.655 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that while the victim was at the age of 17 years, on 09.12.2021, the petitioner has abducted the victim and married her and involved in physical relationship. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the victim has not stated anything in her 164 Cr.P.C statement that the petitioner had sexual intercourse, that the petitioner is not having any bad antecedents and that the petitioner is in judicial custody from 04.01.2022. Hence, he seeks bail.

4.The learned Additional Public Prosecutor would submit that the victim girl eloped with the petitioner and they had rented house and lived there for three days as husband and wife and that the



medical test was conducted for both the petitioner and the victim. He would fairly concede that no previous case is pending against the petitioner herein.

5. According to the prosecution, the victim girl eloped with the petitioner, as both were on love, and in the 164Cr.P.C. Statement of the victim, there was no specific allegation of having any sexual intercourse with the petitioner.

6. Considering the facts and circumstances of the case and also the facts that the petitioner is not having any bad antecedents at his credit and that the petitioner is in judicial custody from 04.01.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. 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 Additional Sessions Judge, Fast Track Mahila Court, Karur.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge/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 Judge/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 Judge/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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

09/02/2022

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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 ADDITIONAL SESSIONS JUDGE,
FAST TRACK MAHILA COURT, KARUR.

2 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY..

3 THE DEPUTY SUPERINTENDENT OF POLICE,
VANGAL POLICE STATION,
KARUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.2647 of 2022

Date :09/02/2022

SS/JM/SAR-IV/10.02.2022 : 3P/5C