



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

Date : 14.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.2900 of 2022

Sarathkumar

... Petitioner/ Sole Accused

Vs

The State represented by its,
The Inspector of Police,
MIMISAL Police Station,
Pudukottai District.
(Crime No.482 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.Vidhya Sagar,
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.482 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 08.12.2021 for the offences punishable under Section 306 IPC altered into Sections 363 and 323 IPC and Section 12 of POCSO Act, in Crime No.482 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 17.11.2021, the defacto complainant's daughter was found missing and hence, he lodged a complaint before the respondent police. On 23.11.2021, the victim girl was secured and gave a statement stating that by giving false promise, the petitioner had kidnapped her to Tirupur and detained in his house and the petitioner had also attacked her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the victim girl were in love and the victim girl had



eloped with the petitioner. He would further submit that the petitioner is in judicial custody from 08.12.2021 and that the medical test so far as the petitioner was already over.

4.The learned Additional Public Prosecutor would submit that the investigation is almost completed except the DNA report and that there was love affair between the petitioner and the victim girl.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 08.12.2021 and also the facts that the petitioner is not having any bad antecedents and that investigation is almost completed except the DNA report, 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.

(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/-
14/02/2022

/ 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.

TO

1 THE SESSIONS JUDGE,
MAHILA COURT, PUDUKOTTAI.

2 THE INSPECTOR OF POLICE
MIMISAL POLICE STATION, PUDUKOTTAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI

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

+1 CC to Mr.M.S.JEYAKARTHIK, Advocate (SR-1070[I] dated 14/02/2022)

ORDER

IN

CRL OP(MD) No.2900 of 2022

Date :14/02/2022

CSM

MK/VR/SAR.IV/14.02.2022/3P/6C