



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

Date : 28/04/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5761 of 2022

C.Prabhakaran

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Vandalur Police Station,
Usilampatti,
Madurai District.
(Cr.No.17/2022).

... Respondent/Complainant

For Petitioner : M/s.Vishnu J,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.17 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 10.02.2022 for the offences punishable under Sections Girl Missing @ 5(1) and 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.17 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the victim girl were in love and on 28.02.2022, the petitioner had eloped with the victim girl and thereafter, the petitioner had committed sexual assault on the victim girl. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the victim girl were in love with each other and as per the compulsion of the victim girl, the petitioner had taken the victim girl to Panthalkudi and living together, and that the petitioner as well as his parents were ready and willing to conduct the marriage of the petitioner with the victim girl, after the victim girl attains majority.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that medical tests were already over, that the investigation is almost completed except receiving the medical test report and that the victim girl was aged above 16 years.

5.When the matter is taken up for hearing today, the learned counsel for the petitioner has filed the affidavits sworn by the petitioner as well as the petitioner's parents, wherein, they have stated that the petitioner had agreed to marry the victim girl after she attains marital age as well as the parents of the petitioner have also given an undertaking that they will arrange the marriage for their son with the victim girl, when she attains marital age.

6.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 10.02.2022, that the medical examinations were already over, that investigation is almost completed except receiving the medical test report and that the petitioner is not having any bad antecedents, 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 Sessions Judge, Principal Special Court for Trial of Cases under POCSO Act, Madurai District.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Sessions 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 Sessions Judge/concerned 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 Sessions Judge/concerned 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/-
28/04/2022

WEB COPY

/ TRUE COPY /

28/04/2022
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,
PRINCIPAL SPECIAL COURT FOR TRIAL OF CASES UNDER POCSO ACT,
MADURAI DISTRICT.
2. THE OFFICER-INCHARGE,
SUB JAIL, VIRUDHUNAGAR.
3. THE INSPECTOR OF POLICE,
VALANDUR POLICE STATION,
USILAMPATTI,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5761 of 2022
Date : 28/04/2022

sj i
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