



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/04/2022

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PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.6096 of 2022

Palpandian

... Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
Thevaram Police Station,
Theni District.
(Crime No.47 of 2022)

... Respondent/Complainant

For Petitioner : Mr.P.Senguttuarasan,
Advocate.

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

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

PRAYER :-

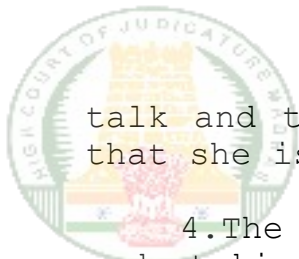
For Bail in Crime No.47 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 16.03.2022 for the offences punishable under Section 'Girl Missing' altered into Section 366 IPC and Section 8 of POCSO Act, 2012, in Crime No.47 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had kidnapped the victim girl, who is aged about 17 years, and committed penetrative sexual assault on her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the victim girl were close relatives and were in love, that the victim girl had voluntarily left her home and proceeded with the petitioner, that after lodging the above complaint, the parents of both the families entered into compromise



talk and thereafter the petitioner had married the victim girl and that she is now living with the petitioner and her in-laws.

4.The learned counsel for the petitioner has filed two undertaking affidavit sworn by the father of the petitioner as well as the father of the victim girl. One Gunasekaran, who is the father of the victim girl, in his affidavit, has specifically stated that they consented for her daughter marriage with the petitioner and that one Gandhi, who is the father of the petitioner, in his affidavit, has specifically stated that they take good care of their daughter-in-law, who is currently residing at their house.

5.The learned Additional Public Prosecutor would submit that the victim girl is aged about 17 years, that the petitioner and the victim girl were loving each other, that medical test were already over and that investigation is almost completed except receiving the medical test report.

6.Considering the above facts and circumstances and also the facts that investigation is almost completed except receiving the medical test report and that the petitioner is in judicial custody from 16.03.2022 and also taking note of the affidavits filed by the parents of the petitioner and the victim girl, 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, Mahalir Neethimandram (Fast Track Mahila Court), Theni.

(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., for a period of one month and thereafter as and when required for interrogation;

(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/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 Sessions 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

13/04/2022

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13/04/2022

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,
MAHALIR NEETHIMANDRAM (FAST TRACK MAHILA COURT),
THENI.
- 2 THE INSPECTOR OF POLICE
THEVARAM POLICE STATION, THENI DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, PALANI, DINDIGUL
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6096 of 2022

Date :13/04/2022

CSM

MK/VR/SAR.I/13.04.2022/3P/5C