



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9431 of 2022

A.MUHIDEEN ABDUL KADAR, ... PETITIONER/SOLE ACCUSED

VS

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
PULIYANKUDI POLICE STATION,
TENKASI DISTRICT.

(CRIME NO.149/2022) RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.PINAYGASH I,
ADVOCATE.

FOR RESPONDENT : MR.R.MEENAKSHI SUNDARAM,
ADDITIONAL PUBLIC PROSECUTOR

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

PRAYER :-

For Bail in Crime No.149 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner who was arrested on 04.04.2022 for the offences under Section Girl Missing and Section 493, 366 of IPC, r/w 6 and 5 (1) of the Protection of Children From Sexual Offences Act, 2012, in Cr.No.149 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had exploited and committed penetrative sexual assault on the victim girl aged 17 years with false promise of marry her. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner and the victim girl loved each other and when they asked the permission of the parents for marriage, they denied for the same and lodged a false complaint.



4.The learned Additional Public Prosecutor appearing for the respondent police objected for grant of bail and produced the copy of the statement recorded under Section 164 Cr.P.C.

5.On a perusal of the victim girl's statement, it is seen that it is a case of love affair and investigation is almost completed and the petitioner is in judicial custody from 04.04.2022.

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, Special Court for POCSO Act Cases, Tirunelveli(F.A.C).

(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 on every Monday and Saturday at 10.30 a.m., for a period of three months 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 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]***.

Sd/-
18/05/2022

/ TRUE COPY /

18/05/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

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, SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI (F.A.C)

2.THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

3.THE INSPECTOR OF POLICE,
PULIYANKUDI POLICE STATION,
TENKASI DISTRICT.

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

+1cc to MR.I.PINAYGASH,Advocate, SR.No.4716 DATED:18.05.2022

ORDER

IN

CRL OP(MD) No.9431 of 2022

Date : 18/05/2022

GC/SKN/SAR-2 (18.05.2022) 3P 6C