



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

Date : 14.06.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10010 of 2022

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Muthukumar

... Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
Thallakulam Police Station,
Madurai City.
(Crime No.260 of 2022).

... Respondent/Complainant

For Petitioner : Mr.M.Maran, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.260 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 15.04.2022 for the offences punishable under Section 'Girl Missing' altered into Section 366 IPC, Sections 5(1) and 6 of POCSO Act and Section 6 of Child Marriage Act, in Crime No.260 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had kidnapped the defacto complainant's daughter, who is a minor girl and had committed aggravated penetrative sexual assault on her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there existed love affair between the petitioner and the victim girl, that since the parents of the victim girl had opposed the same, she went along with the petitioner and that she was 18 years old.

4.The learned Additional Public Prosecutor would submit that the victim girl was born on 30.05.2004 and that 164 Cr.P.C., statement of the victim girl was recorded on 10.06.2022, wherein, she had stated that with the consent of her parents she is going to marry the petitioner.



5.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 15.04.2022 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:

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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 District and Sessions Judge (POCSO Act Cases), Madurai.

(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 thirty (30) days 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/-

14/06/2022

/ TRUE COPY /

14/06/2022

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 DISTRICT AND SESSIONS JUDGE (POCSO ACT CASES), MADURAI.

2 THE INSPECTOR OF POLICE, THALLAKULAM POLICE STATION,

<https://hcservices.mca.gov.in/hcservices/>



3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.M.MARAN, Advocate (SR-5472[I] dated 14/06/2022)

ORDER

IN

CRL OP(MD) No.10010 of 2022

Date :14/06/2022

RS/PN/SAR.3 (14.06.2022) 3P-6C