



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD). No.11538 of 2022

WEB COPY

1.Muthukaruppan
2.Parameshwaran

... Petitioner/Accused 2 & 3

Vs

State Rep.by
The Inspector of Police,
(*)Karaikudi South Police Station,
Sivagangai District.
Cr.No.446/2021

... Respondent/Complainant

(*) (Amended as Per Order of this
Court dated 30.06.2022 in
Crl.MP.(MD).No.7443/2022 in
Crl.OP.(MD).No.11538/2022)

For Petitioners : M/s.Kumaraguru V S,
Advocate.

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

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

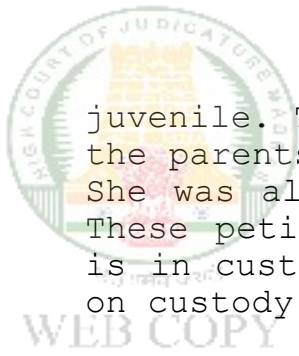
PRAYER :-

For Bail in Crime No.446 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 & A3 herein, who were arrested on 27.05.2022 for the alleged offence under Sections 363, 109 of IPC & Section 5 (1) r/w 6 of POCSO Act, 2012 of IPC, in Crime No.446 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto complainant is the mother of the victim girl. The victim girl found missing from 11.10.2021. In spite of search made, they could not secure her. On the previous occasion, she was found talking with the first accused and that was warned by the defacto complainant. In pursuance of the above said incident, she was found missing. On enquiry with the first accused, he stated that he did not know her whereabouts. But, it was found that only the first accused has abducted the victim girl by motor bike. During the course of investigation, it was found that the victim girl was aged about 15 and the first accused is also



juvenile. They performed child marriage near Vedasanthur. From 1, the parents of the first accused and the relatives also helped them. She was also sexually harassed and assaulted by the first accused. These petitioners have been arrested on 27.05.2022. Even since, he is in custody. Since the first accused is juvenile, he was released on custody.

3.The learned counsel for the petitioners submitted that except helping the first accused, no other specific overt act has been attributed against the petitioners. The first petitioner is the brother of the first accused and the second petitioner is the cousin brother of the first accused.

4.The learned Additional Public Prosecutor submitted that the victim girl was not willing to give any statement. Because of that, it could not be recorded.

5.Considering the duration of incarceration and also considering the fact that limited allegation that has been made against the petitioners and the first petitioner is a juvenile and he was also released on custody, this Court is inclined to grant bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Session Judge Special Court for Exclusive Trial of Case Under the POCSO Act 2012, Sivagangai District, and on further condition that the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

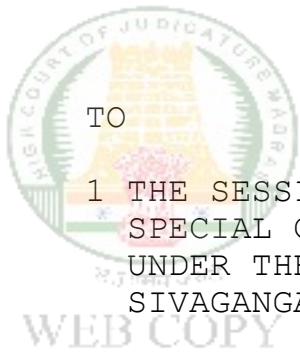
04/07/2022

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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 SESSION JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER THE POCSO ACT 2012,
SIVAGANGAI DISTRICT.

2 THE OFFICER INCHARGE,
SUB JAIL, RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
KARAIKUDI SOUTH POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.V.S.KUMARAGURU, Advocate (SR-6505[I] dated
04/07/2022)

ORDER

IN

CRL OP(MD) No.11538 of 2022

Date :04/07/2022

RS/VR/SAR.2 (04.07.2022) 3P-6C