



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/07/2022
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12353 of 2022

Vijin

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station, Marthandam,
Kanyakumari District.
Crime No.28/2022.

... Respondent/Complainant

For Petitioner : Mr.K.P.Narayanakumar, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Government Advocate (Crl.Side)

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

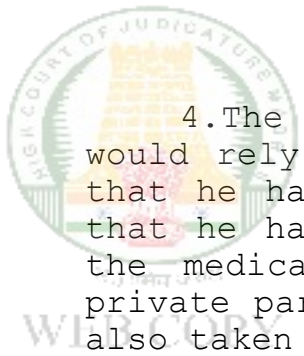
PRAYER :-For Bail in Crime No.28 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Section 366 IPC altered into Section 366(A) IPC and Sections 11(4), 12, 5(1) and 6 of POCSO Act in Crime No.28 of 2022 on the file of the respondent police.

2.The case of the prosecution is that the defacto complainant, who is the father of the victim girl, lodged a complaint with the respondent police stating that his daughter was studying 11th std., in the Sun Micheal Matriculation School. On 31.05.2022 at about 07.30 am., she went to the school, but later she did not return. The defacto complainant was informed that the victim girl was kidnaped by the unknown persons. Based upon the aforesaid complaint, the case has been registered and during the course of enquiry, the involvement of the accused came to be noticed and the victim girl was also secured from the house of the accused, based upon which alteration report has been filed altering Section 366 IPC to Section 366(A) IPC and Section 11(4), 12, 5(1) and 6 of POCSO Act. The petitioner has been arrested on 02.06.2022 and ever since he is in judicial custody.

3.The statement of the victim girl has also been recorded, wherein she has stated that for some time, the accused pressurized her to love him, but that was not liked by her. But later, she was also fell in love with the petitioner and on the particular date, she went along with the accused person to his parental home. With



4.The learned Government Advocate (Crl.side) for the respondent it would rely upon the statement of the accused person to the effect that he has admitted during the course of recording his statement that he has subjected the victim girl to sexual intercourse. Now, the medical report is available, wherein it is found that the private part of the victim girl sustained no injury and smears were also taken and the same has been sent for chemical examination.

5.In the facts and circumstances of the case and considering the fact that the victim girl is aged about 17 plus at the time of occurrence, this Court is inclined to grant bail to the petitioner with stringent conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Padmanabapuram, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

18/07/2022

/ TRUE COPY /

18/07/2022

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 JUDICIAL MAGISTRATE NO.I, PADMANABHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMAR DISTRICT AT NAGERCOIL.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MARTHANDAM,
KANYAKUMARI DISTRICT.

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

+1 CC to MR.K.P.NARAYANAKUMAR, Advocate (SR-7253[I] dated 18/07/2022)

ORDER IN

CRL OP(MD) No.12353 of 2022

Date :18/07/2022