



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12478 of 2022

WEB COPY

Raja Hussain

... Petitioner/Accused Person

Vs

State Rep.by
The Inspector of Police,
Sellur Police Station,
Madurai.
Crime No.392 of 2022.

... Respondent/Complainant

For Petitioner : Mr.Jinnah S.M.A, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Cr.No.392 of 2022 on the file of the Respondent Police.

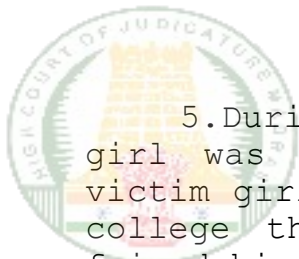
ORDER : The Court made the following order :-

The petitioner/accused, who was arrested on 02.06.2022 for the alleged offence for Women Missing @ Sections 366 and 376(ii) IPC and 5(1) and 6 of Protection of Child from the Sexual Offences, in Crime No.392 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution in brief is as follows:-

3.The defacto complainant is the father of the victim girl. His elder daughter was undergoing B.Sc., (Computer Science) at Madurai Meenakshi Government Ladies College. She was regularly going to the college at 08.00 am., and returning to her home at 03.30 pm., On 23.05.2022, she went to the college, but later she did not return to home. The defacto complainant made an enquiry and on enquiry, he was informed that the classes were over by 03.30 pm.,

4.So, on the basis of the aforesaid issue, he lodged a complaint, over which the case in Crime No.392 of 2022 under woman missing caption was registered. Investigation was undertaken and during the course of enquiry, the involvement of this petitioner was found and on that ground, FIR was altered to Sections 366 and 376 (ii) IPC and Section 5(i) and 6 of POCSO Act.



5. During the course of investigation, statement of the victim girl was recorded apart from her 164(5) Cr.P.C. statement. The victim girl has stated that this petitioner used to take her to the college through auto. Because of that, they were started their friendship and the accused person has also come to the house and played indoor games. He started saying that he is in love with her. But that was not liked by her. At one point of time, the petitioner caused self injury and sent the photographs of the same to her and also started threatening her that he will commit suicide, if she is not willing to marry and love him. She attained the age of majority on March, 2022.

6. Because of the continuous pressure on the side of the petitioner to marry him, in May 23, they stayed in a hotel and had sexual intercourse and also stayed in the hotels for some time. Later, they rented a house and started staying there. On the basis of the complaint given by the defacto complainant, she was secured. The petitioner was arrested and remanded to judicial custody on 02.06.2022.

7. Seeking bail, the petitioner has filed a petition before the Special Court and that was dismissed on the ground that the victim girl was not attained the age of majority on the date of the alleged occurrence. The date of birth of the victim girl is now 01.03.2004 and on the date of the alleged occurrence, the age of the victim girl is 18+.

8. From the perusal of the statement of the victim girl as well as the CD file, it is seen that the victim girl was in love with the petitioner and started staying with him in lodges, hotels and even a private residence also. It is also seen that the investigation is almost over.

9. Considering the statement of the victim girl and considering the the period of incarceration this Court is inclined to grant bail to the petitioner with certain conditions.

10. Accordingly, 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 Additional Mahila Court, Judicial Magistrate Level, Madurai, and on further condition that the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders.

sd/-

20/07/2022

/ TRUE COPY /

20/07/2022

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, 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.

WEB COPY

- To
- 1 THE JUDGE, ADDITIONAL MAHILA COURT, JUDICIAL MAGISTRATE LEVEL, MADURAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
 - 3 THE INSPECTOR OF POLICE, SELLUR POLICE STATION, MADURAI.
 - 4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12478 of 2022
Date :20/07/2022

RS/VR/SAR.1 (20.07.2022) 3P-6C