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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/09/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16221 of 2022

Kaliraj

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Kadayanallur Police Station,
Tenkasi Distirct.
(Crime No.144/2022)

... Respondent/Complainant

For Petitioner : M/s.Selvakumar S,
Advocate.

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.144/2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 366, 376 and 506(i) IPC and Section 5(1), 5(n) and 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No.144 of 2022 on the file of the respondent police.

2.The case of the prosecution is that the defacto complainant lodged a complaint stating that the victim girl, who is aged about 16 years, was undergoing 11th std., The victim fell in love with the accused person and that was scolded by the defacto complainant. On 27.04.2022 at about 09.30 am., the defacto complainant went for a festival and on 29.04.2022 she returned back at about 04.30 pm., and at that time, the victim was found missing. On the false promise of marriage, the victim girl was taken by the accused person to Tenkasi. From there, they went to Nagercoil, where they stayed in a lodge and at that time, they had sexual intercourse. Later, she was dropped in Tenkasi Bus-stand. Later, she returned to the home.



3.The learned counsel for the petitioner submitted the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 12.05.2022.

4.The learned Additional public Prosecutor (Crl.Side) appearing for the respondent police submitted that investigation has been completed and the final report has been filed before the concerned Court on 15.08.2022.

5.On perusal of the final report, it shows that the petitioner, who is the husband of the victim's sister, because of the above said illegal affair, the victim girl has been taken by the petitioner to various places and she was subjected to sexual intercourse.

6.On reading of 164 Crl.P.C statement recorded from the victim girl, it shows that there was no such allegation against the petitioner, on that ground, the learned counsel for the petitioner seeks bail.

7.Considering the facts and circumstances of this case, no such specific allegation has been made against the petitioner in the 164 Cr.P.C statement and considering the duration of custody , this Court is inclined to grant bail to the petitioner with certain conditions.

8.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 Sessions and Special Court for POCSO Act Cases, Tirunelveli, and on further condition that the petitioner shall stay at Madurai and report before Judicial Magistrate No.I, Madurai, daily at 10.30 a.m. until further orders.

sd/-

22/09/2022

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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 JUDGE,
SESSIONS AND SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KADAYANALLUR POLICE STATION, TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

- 1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

+1 CC to M/s.M/S.SELVAKUMAR S, Advocate (SR-10394[I] dated 22/09/2022)

ORDER
IN
CRL OP(MD) No.16221 of 2022
Date :22/09/2022

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MK/VR/SAR.IV/22.09.2022/3P/8C