



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 22/09/2022  
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.16967 of 2022

Ashok

... Petitioner/Sole Accused

Vs

The State rep.by,  
The Inspector of Police,  
Odaipatti Police Station,  
Theni District.  
In Crime No.119/2022.

... Respondent/Complainant

For Petitioner : M/s.Arputharaj.A, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.119 of 2022 on the file of the respondent police.

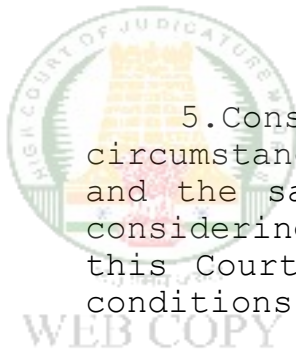
ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 29.07.2022 for the alleged offence under Sections 366(A) IPC, 5(1), 6 of POCSO Act, in Crime No.119 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner kidnapped the victim, who was aged about 16 years and had physical relationship with her. Hence, the complaint.

3. On the side of the petitioner, it is stated that the petitioner is a student. He is innocent and both the victim and the petitioner loved each other. In this case, investigation has been completed and charge sheet also filed. The petitioner is in custody from 29.07.2022. Hence, prays to release the petitioner on bail.

4. On the side of prosecution, it is stated that the victim was aged about 16 years at the time of occurrence. After completion of investigation, in this case charge sheet was filed and the same was taken on file as Spl.SC.No.149 of 2022. He prayed to dismiss the petition.



5.Considering the submissions made by both sides and the circumstances, considering the fact that the charge sheet was filed and the same was taken on file as Spl.SC.No.149 of 2022 and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a 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 Sessions Judge, Fast Track Mahila Court, Theni.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall appear before the concerned Court on all hearings without fail;

(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 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

22/09/2022

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22/09/2022

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1 THE ADDITIONAL SESSIONS JUDGE,  
FAST TRACK MAHILA COURT, THENI.

2 THE OFFICER INCHARGE, SUB JAIL, UTHAMAPALAYAM.

3 THE INSPECTOR OF POLICE  
ODAIPATTI POLICE STATION, THENI DISTRICT.

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

+1 CC to M/s.M/S.ARPUTHARAJ.A, Advocate(SR-10381[I]dated 22/09/2022)

ORDER IN

CRL OP(MD) No.16967 of 2022

Date :22/09/2022

PNM

<https://www.mhjudiciary.org.in> IV/22.09.2022/2P/6C