



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17662 of 2022

D.Alex

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.
Crime No.252 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Deepak F, Advocate.
For Respondent : Mr.B.Nambi Selvam,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.252 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded judicial custody on 15.08.2022 for the offences punishable under Sections Girl Missing @ 366 (a) of IPC and 5(1), 6 of POCSO Act, in Crime No.252 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl was studying 12th Standard and stayed in a same school hostel. On 29.07.2022 at about 9.30 P.M, the victim girl had a phone conversation for a long time which was noticed and the phone was recovered by the hostel authorities and scolded the victim girl. Thereafter, the victim girl went to restroom, but she did not return and the case was registered as girl missing.

3.The learned counsel for the petitioner submits that the petitioner had a love affair with the victim girl and eloped to Kodaikanal and the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this



4.The learned Additional Public Prosecutor appearing for the respondent submits that the investigation is almost completed. The victim girl and the petitioner had love affair. The girl was secured and now refused to go with her parents. The complaint was given by the mother of the victim girl. 164 statment is also recorded.

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5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in custody from 15.08.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.6, Madurai.

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

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three months and thereafter as and when required for interrogation;

(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 Magistrate/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 Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-

06/10/2022

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06/10/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.6, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE, NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI DISTRICT.



CRL OP(MD). N



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

+1 CC to M/s.F.DEEPAK, Advocate (SR-10994[I] dated 06/10/2022)

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ORDER

IN

CRL OP (MD) No.17662 of 2022

Date :06/10/2022

SN/SJI

RS/SVR/SAR.4(06.10.2022) 3P-7C