



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.18485 of 2022

WEB COPY

Praveen

... Petitioner/Petitioner

Vs

The State Rep by
The Inspector of Police,
Ilaiyangudi Police Station,
Sivagangai District.
(Crime No.181 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Balamuruganantham R,
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.181 of 2022 on the file of the Respondent Police.

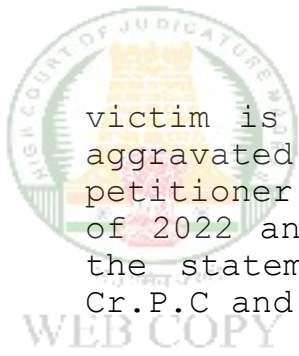
ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 29.07.2022 for the offences punishable under Sections Girl Missing @ 5(L) r/w 6 of POCSO Act, 2012 and Section 9 of Child Marriage Act, 2006 in Crime No.181 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to love affair, the victim, who is aged about 15 years, eloped with the petitioner and the petitioner has sexual relationship with the victim. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the second bail application. The petitioner and the victim girl were in love with each other. When the defacto complainant came to know about the relationship, she arranged a marriage for the victim girl. Hence, the victim girl asked the petitioner to elope from the locality. He would further submit that the petitioner is an innocent and he did not commit any offence as alleged by the prosecution and he is in judicial custody from 29.07.2022. Hence, he may be granted bail.

4.The learned Additional Public Prosecutor appearing for the respondent police strongly opposed for grant of bail to the petitioner on the ground that it is a case of love affair and the



victim is aged about 15 years and the petitioner had aggravated sexual assault on her. He would further submit that the petitioner earlier moved a bail application in Crl.O.P(MD) No.16966 of 2022 and the same was dismissed by this Court on 22.09.2022 and the statement of the victim has been recorded under Section 164 Cr.P.C and the major part of the investigation is over.

5.Considering the facts and circumstances of the case and considering the nature of the offence and also the fact that the petitioner is in judicial custody from 29.07.2022 and major part of the investigation is over, this Court is inclined to grant bail to the petitioner subject to the following 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 learned Special Court for the Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai, Sivagangai District.

(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., until further orders;

(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/-

18/10/2022

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/10/2022

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

TO

1.The Special Judge for the Exclusive
Trial of Cases under the POCSO Act, 2012,
Sivagangai, Sivagangai District.

2.The Officer Incharge,
Sub Jail, Sivagangai,
Sivagangai District.

<https://www.mca.gov.in/judis>



3. The Inspector of Police,
Ilaiyangudi Police Station, Sivagangai District

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.BALAMURUGANANTHAM, Advocate (SR-11543[I] dated
18/10/2022)

**ORDER
IN**

CRL OP(MD) No.18485 of 2022
Date : 18/10/2022

cp
SA/SBN(18.10.2022) 3P 6C