



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

Date : 17/10/2022

PRESENT

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

CRL OP(MD). No.18537 of 2022

Arun Kumar

... Petitioner/Sole Accused

Vs

The State Rep. By,  
The Inspector of Police,  
Ayakudi Police Station,  
Dindigul District.  
Cr.No.195/2022.

... Respondent/Complainant

For Petitioner : M/s.John Victor Ellis E.K.,  
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.195/22 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 29.08.2022 for the offences punishable under Section 363 IPC and Sections 5(1) r/w 6 of Production of Children from Sexual Offence Act, 2012, in crime No.195 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 was aged about 17 years, eloped with the petitioner and the petitioner had sexual relationship with the victim. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there is a love affair between the petitioner and the victim girl and the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 29.08.2022, hence he may be released on bail.



4.The learned Additional Public Prosecutor would strongly opposed this petition stating that the petitioner's earlier application was dismissed by this Court, dated 27.09.2022 in Crl.O.P.(MD)No.17206 of 2022. He would further submit that the investigation has been completed and the charge sheet has already been filed before the concerned Court.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the investigation has been completed and the charge sheet has already been filed before the concerned Court, 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 learned Judicial Magistrate Court, Palani, Dindigul 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/-

17/10/2022

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17/10/2022

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

TO

1. THE JUDICIAL MAGISTRATE,  
DINDIGUL DISTRICT.

<https://www.mhjudis.org>



2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
DINDUGAL DISTRICT.
3. THE SUPERINTENDENT,  
CENTRAL PRISON, DINDIGUL.
4. THE INSPECTOR OF POLICE,  
AYAKUDI POLICE STATION,  
DINDIGUL DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.18537 of 2022  
Date :17/10/2022

sj i  
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