



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.18474 of 2022

Arunkumar

... Petitioner/Petitioner/
Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Town Police Station,
Bodinayakanur, Theni District.
(Crime No.247/2022).

... Respondent/Respondent/
Complainant

For Petitioner : M/s.Gandhirajan M,
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. 247 of 2022 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 27.07.2022 for the offences punishable under Sections 366 of IPC, Section 5(1) r/w Section 6 of POCSO Act, 2012 and Section 7 of Prohibition of Child Marriage Act, 2006 in Crime No.247 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant/victim's mother namely Nagakanni lodged a complaint before the respondent police stating that her daughter was missing. Later, she came to know that the victim girl has eloped with one Arunkumar. Thereafter, on 27.07.2022, the victim girl and the accused returned to home and FIR has been altered.

3.The learned counsel for the petitioner would submit that this is the second bail application and the petitioner had love



affair with the victim girl. On her own wish, she eloped with the petitioner on 21.07.2022. He would further submit that the petitioner is an innocent and he has been falsely implicated in this case and he is in judicial custody from 27.07.2022. Hence, he may be granted bail.

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4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner earlier moved an bail application in CrI.O.P(MD) No.17356 of 2022 and the same was dismissed on 28.09.2022. The victim is aged about 17 years and the statement of the victim has been recorded under Section 164 Cr.P.C, in which, she has stated that she had love affair with the petitioner for the past two years and on her own wish, she eloped with the petitioner. He would further submit that the major part of the investigation is over.

5. Considering the facts and circumstances of the case and considering the charges levelled against the petitioner and also the fact that the petitioner is in judicial custody from 27.07.2022 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 Sessions Judge, (Fast Track Mahila Court), Theni.

(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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18/10/2022

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



TO

1. THE SESSIONS JUDGE,
(FAST TRACK MAHILA COURT), THENI.
2. THE OFFICER-INCHARGE,
SUB JAIL, UTHAMAPALAYAM.
3. THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
BODINAYAKANUR, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18474 of 2022
Date :18/10/2022

cp
USK/SBN/SAR- /18.10.2022/3P/5C