



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 03/01/2022
PRESENT

The Hon'ble Mr.Justice **G.ILANGO VAN**

Crl.OP(MD)No.20458 of 2021

V.Ganesan

... Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Ponnamaravathi Police Station,
Ponnamaravathi, Pudukkottai District.
(Crime No.260 of 2021)

... Respondent/Complainant

For Petitioner : Mr.R.Karunanidhi, Advocate.
For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.260 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

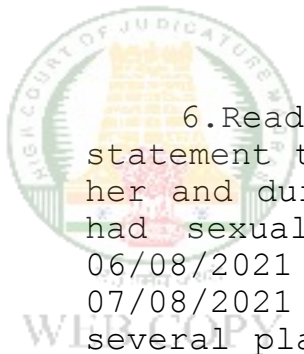
The petitioner, who is arrayed as accused was arrested on 19/10/2021 and remanded to judicial custody for the offence under 'Girl Missing' @ 366(A) IPC @ 366(A) IPC, section 5(1) r/w 6(1) of POCSO (Amendment) Act, 2019 and section 9 CMR Act, in Crime No.260 of 2021 on the file of the respondent police, seeks bail.

2.The petitioner is facing the charges for the offences under sections 366(A) IPC, 5(1) r/w 6(1) POCSO (Amendment) Act, 2019 and section 9 CMR Act.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

4.Originally, the case was registered under the caption for 'girl missing', on the complaint given by the de-facto complainant. During the course of investigation, it was found that this petitioner abetted, kidnapped the victim girl and he was arrested on 19/10/2021. The victim girl was aged about 16 years at the time of occurrence. Now the case of the petitioner is that he has not involved in the above said occurrence.

<https://hcservices.courts.gov.in/hcservices/> 5.The entire CD file has been called for and perused.



6. Reading of the CD file shows that the victim girl has given a statement to the effect that this petitioner expressed his love with her and during the absence of the family members and neighbours, he had sexual intercourse with her and she was also enticed, on 06/08/2021 promising to marry her and also performed marriage on 07/08/2021 in Piranmalai Sivan Temple. Thereafter, they went to several places and during the course of their stay, this petitioner alleged to have sexual intercourse for several times.

7. The section 164 Cr.P.C statement of the victim has also been recorded. Since the age of the victim is only 16 years, the contention on the part of the petitioner that there were love affairs between them and only with her consent, she was taken, cannot be taken into account at this stage. During the investigation, this petitioner and the victim girl were secured from Kankeyam and thereafter, the case has been altered. The aadhar card of the victim girl is also secured, wherein her date of birth is stated to be 27/01/2006. So on the date of the alleged occurrence, she was aged about 15 +.

8. Considering the age of the victim girl and also the fact that if the petitioner is released on bail, there is every likelihood of tampering the witnesses, even though he is in custody for more than 74 days, this court is not inclined to release the petitioner on bail at this stage.

9. In the result, this criminal original petition is **dismissed**.

sd/-
03/01/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE INSPECTOR OF POLICE
PONNAMARAVATHI POLICE STATION,
PONNAMARAVATHI, PUDUKKOTTAI DISTRICT.
- 2 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.20458 of 2021
Date : 03/01/2022