



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2022

PRESENT

WEB COPY

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

CRL OP (MD) . No.19445 of 2022

Suriya Prakash

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
Crime No.345 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Muniyandi S,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

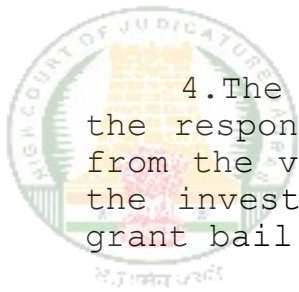
PRAYER :-For Bail in Crime No.345 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 26.09.2022 for the offences punishable under Sections 366 of IPC and Section 5(1), r/w 6 of Protection of Child from Sexual Offences Act, in crime No.345 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl is aged about 17 years. Initially the case was registered under the caption 'girl missing'. During the course of investigation, it was found that the petitioner had kidnapped the victim girl and committed sexual assault on the victim girl. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the victim girl and the petitioner loved each other for the past 4 years. On knowing the same, the parents of the victim girl, warned her. Due to which, only at the instigation of the victim girl, the petitioner had taken the victim girl to Genguwarpatti and had sexual intercourse with her consent. The petitioner is ready to marry the victim girl after attaining majority and the petitioner is in judicial custody from 26.09.2022. Hence, he prays for grant of bail to the petitioner.



4.The learned Government Advocate (Criminal Side) appeared for the respondent police would submit that 164 statement was recorded from the victim girl. 6 witnesses have been examined. But, however, the investigation is not completed. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the 164 statement of the victim girl, 6 witnesses have been examined and the petitioner is in judicial custody from 26.09.2022, 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 Fast Track Mahila Judge, Dindigul.

(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/-
03/11/2022

/ TRUE COPY /

03/11/2022
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 FAST TRACK MAHILA JUDGE
DINDIGUL.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.

3 THE INSPECTOR OF POLICE
BATLAGUNDU POLICE STATION, DINDIGUL DISTRICT.

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

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-12343[I] dated 03/11/2022)

ORDER

IN

CRL OP(MD) No.19445 of 2022

Date :03/11/2022

DSS

MK/SBN(03.11.2022) 3P 6C