



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.20917 of 2022

Raja Sekar,

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Pappakudi Police Station,
Tirunelveli District.
(Cr No.170/2022).

... Respondent/Complainant

For Petitioner : M/s.Senthil Kumar R,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

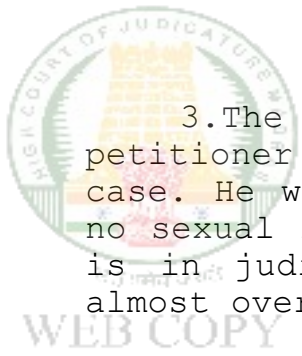
PRAYER :-

For Bail in Cr No.170/2022 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 23.09.2022 for the offences punishable under Sections 'Girl Missing' @ 342, 417 of IPC and Section 5(1), 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.170 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the mother of the victim girl. The victim girl is aged about 16 years. She was working in a Mill at Tiruppur. On 31.08.2022, at about 03.00 p.m, the victim girl was found missing. Hence, case was registered under the caption "Girl Missing". On enquiry, it was found that, on the date of occurrence, the petitioner kidnapped the victim girl and took her to a house at Pappakudi Samathuvapuram. In that place, forcibly he had committed penetrative sexual assault upon the victim girl and confined her from 31.08.2022 to 22.09.2022. During that period, he had committed sexual assault upon the victim girl several times. Hence, the complaint.



3.The learned counsel for the petitioner would submit the petitioner is innocent and he has been falsely implicated in this case. He would further submit that they loved each other. There is no sexual intercourse as alleged by the prosecution. The petitioner is in judicial custody from 23.09.2022 and the investigation is almost over. Hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the investigation is almost over and 164 statement was recorded. However, considering the gravity of the offence, he strongly opposed to grant bail.

5.Considering the period of incarceration and also considering the facts that 164 statement was recorded and the major part of the investigation might have been completed, 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 Special Court for POCSO Act Cases, Tirunelveli.

(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/-
25/11/2022

/ TRUE COPY /

25/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



DSS

CRL OP(MD). N



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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 Special Court for POCSO Act Cases,
Tirunelveli..
 2. The Superintendent,
Central Prison, Palayamkottai..
 3. The Inspector of Police,
Pappakudi Police Station, Tirunelveli
District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S.SENTHIL KUMAR R Advocate SR.No.13736

CRL OP(MD) No.20917 of 2022
Date :25/11/2022

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