



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30/11/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.20988 of 2022

Tamilarasan

... Petitioner/Sole Accused

Vs

The State rep.by
The Sub Inspector of Police,
K.V.Nallur Police Station,
Tenkasi District.
(Crime No.427/2022).

... Respondent/Complainant

For Petitioner : M/s.Veerapandi P,
Advocate.

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

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

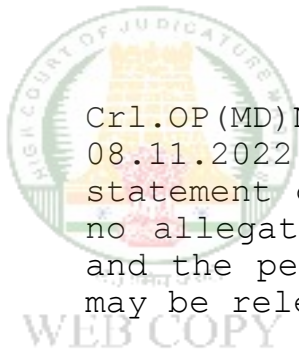
PRAYER :- For Bail in Cr No.427/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 31.10.2022 for the offences punishable under Sections Girl Missing @ Sections 7, 8 of the Protection of Children from Sexual Offence Act, 2012, in crime No.427 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the the victim girl, who was aged about 16 years at the time of occurrence and was studying 11th standard. The petitioner kidnapped the victim girl to his sister's house and stayed there for a period of two days. During that period, he had committed the offence of sexual assault upon the victim girl. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that this is the second bail application. Earlier bail application filed by the petitioner in



Crl.OP(MD)No.18969 of 2022 was dismissed by this Court on 08.11.2022. The petitioner and the victim girl loved each other. 164 statement of the victim girl was recorded. It is seen that there is no allegation against the petitioner as alleged by the prosecution and the petitioner is in judicial custody from 31.10.2022, hence he may be released on bail.

4.The learned Government Advocate (Crl. side) would submit that 164 statement of the victim girl was recorded and 4 witnesses have been examined in this case. The investigation is yet to be completed. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the period of incarceration and also considering the facts that 164 statement of the victim girl was recorded and 4 witnesses have been examined in this case, 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 Sessions Judge, Special Court for POSCO 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].

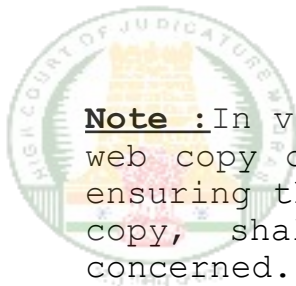
sd/-

30/11/2022

/ TRUE COPY /

30/11/2022

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.

WEB COPY

TO

- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 3 THE SUB INSPECTOR OF POLICE,
K.V.NALLUR POLICE STATION,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.P.VEERAPANDI, Advocate, SR.No.14033

ORDER

IN

CRL OP(MD) No.20988 of 2022

Date :30/11/2022

DSS

SA/SSS/SAR. /30.11.2022/3P/6C