



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21261 of 2022

Rajesh

... Petitioner/Accused

Vs

The State Rep. By,
The Inspector of Police,
Chinnamanur Police Station,
Theni District.
Crime No.506 of 2022.

... Respondent/Complainant

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

For Respondent : Mr.T. Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

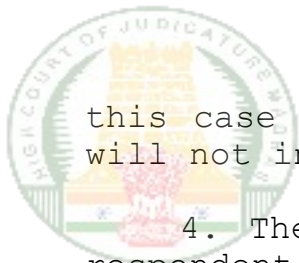
For Bail in Crime No.506 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 14.11.2022 for the offence punishable under Woman Missing @ Sections 7, 8 and 17 of POCSO Act, 2012 in Crime No. 506 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the complaint given by the defacto complainant that his daughter has not returned from college, initially, a case was registered for the offence under Woman Missing and subsequently @ into Sections 7, 8 , 17 of POCSO Act, 2012 Act.

3. The learned counsel appearing for the petitioner would submit that the petitioner is aged about 20 years and the victim is aged 17 years and they are friends for a long time and that without informing to their parents they had gone to vaigai Dam and in the meanwhile, the complaint has been lodged by the defacto complainant. He would further submit that without understanding the consequences and the triggers of the POCSO Act, the petitioner has involved in



this case and he is ready to file an undertaking affidavit. He will not interfere with the life of the victim girl and seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that 161 statement of victim girl was recorded and in that statement she had stated that there is no sexual assault and the petitioner has only hugged and kissed him.

5. Taking into consideration of the facts and submissions made by the learned counsels and 161 statement of the victim girl and that the petitioner is in judicial custody from 14.11.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Sessions Judge, Mahila Neethimandram, Fast Track Mahila Court, Theni, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 6.30 pm for a period of two weeks and thereafter, once in a week i.e., on every Saturday of English Calendar month at 10.30 a.m., until further orders;

(d) the petitioner shall file an undertaking affidavit before the concerned Court and the respondent police after coming out on bail;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];



WEB COPY

CRL OP(MD).N



22

(i) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/12/2022

/ TRUE COPY /

09/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SESSIONS JUDGE,
MAHILA NEETHIMANDRAM,
FAST TRACK MAHILA COURT, THENI.
2. THE OFFICER-INCHARGE,
DISTRICT JAIL, THENI.
3. THE INSPECTOR OF POLICE,
CHINNAMANUR POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.PM.VISHNUVARTHANAN, Advocate (SR-14641[I] dated 09/12/2022)

ORDER
IN
CRL OP(MD) No.21261 of 2022
Date :09/12/2022

trp
USK/BUC/SAR- /09.12.2022/3P/6C