



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

Date : 09/12/2022

PRESENT

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

CRL OP(MD) . No.21787 of 2022

K.Muthu @ Muthurmurugan

... Petitioner/Accused

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Madurai Town.
(Cr No.90/2022).

... Respondent/Complainant

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

For Respondent : Mr.T. Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

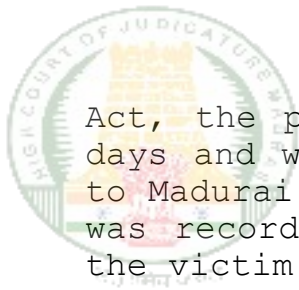
For Bail in Cr No.90/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 17.11.2022 for the offence punishable under Section 366 IPC r/w. Section 5(n), 5(1), 6 of POCSO Act in Crime No. 90 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that her minor daughter aged about 17 years, who was working in Textile Mill was found missing. Later, it came to light that the petitioner herein had kidnapped the victim minor girl and thereafter, a case was altered into 366 IPC.

3. The learned counsel appearing for the petitioner would submit that both the defacto complainant and petitioner's family are close relatives and that both the victim and the accused grew up in the same place and they loved each other. He would further submit that without understanding the consequences and rigorous of POSCO



Act, the petitioner eloped with the victim girl and live 10 days and when they came to know about the complaint, returned back to Madurai. He would further submit that 164 statement of the victim was recorded and there is no specific physical or mental abuse to the victim girl and thereby, seeks bail.

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4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner kidnapped the victim girl, however, in the 164 statement there is no allegation of mental or physical abuse. He would further submit that the investigation of the case is pending and he strongly opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and submissions made by the learned counsels and the 164 of the victim was recorded and that the petitioner is in judicial custody from 17.11.2022, 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 Special Court for Exclusive Trial of POCSO Cases, Madurai 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 10.30 a.m., for a period of two weeks and thereafter, once in a week i.e., on every Saturday at 10.30 a.m., until further orders;

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

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

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

(g) 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



(h) if the accused thereafter abscond, a fresh FIF registered under Section 229A IPC.

sd/-
09/12/2022

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09/12/2022

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

TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF POCSO CASES,
MADURAI.
2. THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADURAI TOWN.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.S.SUNDARAPANDIAN, Advocate (SR-14583[I] dated
09/12/2022)

ORDER
IN
CRL OP(MD) No.21787 of 2022
Date :09/12/2022

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