



WEB COPY



CrI.OP.No.20735 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.20735 of 2023

Rahul

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Nallur Police Station,
Tiruppur.
(Crime No.459 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.459 of 2023 on the file of respondent Police.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



CrI.OP.No.20735 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.06.2023 for the offences punishable under Section Girl Missing @ 366 A of IPC and Section 5(i) read with Section 6 of POCSO Act, 2012 in Crime No.459 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, victim girl is in love with the petitioner. However, he is falsely implicated in this case registered in Crime No. 459 of 2023 for the offences under Section Girl Missing @ 366 A of IPC and Section 5(i) read with Section 6 of POCSO Act, 2012. Petitioner is in judicial custody from 06.06.2023. Thus, this petition is filed for seeking bail.

3.In response, the learned Additional Public Prosecutor submitted that, on the basis of the complaint given by the victim girl's father, FIR was originally registered under the caption “Girl Missing”, subsequently it was altered into Sections 366 A of IPC and Section 5(i) read with Section 6 of POCSO Act, 2012. The statement of the victim girl under Section 164 of Cr.P.C was recorded and the medical examination of the



Crl.OP.No.20735 of 2023

victim girl was also over. He further submitted that, investigation in this case is completed and final report is also filed and the same is pending in S.C.No.91 of 2023 on the file of the learned Sessions Judge, Magalir Neethimandram (FTMC), Tiruppur.

4. It is seen from the FIR allegations that, on 29.05.2023 at about 08.00.a.m., defacto complainant was informed by his brother that, that his elder daughter was missing. Hence, defacto complainant lodged a complaint before the respondent police.

5. The reading of the statement of the victim girl under Section 164 of Cr.P.C., shows that, victim girl was taken by an old lady to Tiruppur Railway Station. One Rahul, who is the petitioner herein was also present in the Auto. The old lady sent Rahul and the victim girl in the train. Rahul had taken the victim girl to Hosur and they stayed in a room for one week. Rahul had forcible sexual intercourse with the victim girl. Thereafter, they were apprehended by the respondent police.



CrI.OP.No.20735 of 2023

6. It is seen from the statement of the victim girl under Section 164 of Cr.P.C that, victim girl stayed with the petitioner for one week without making any attempt to reach the police or her parents. Petitioner is in Judicial Custody from 06.06.2023 and investigation in this case is completed and it is pending in S.C.No.91 of 2023. Thus, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) with **two sureties (out of which, one surety should be from his native place)**, each for a like sum to the satisfaction of the **learned Sessions Judge, Magalir Neethimandram (FTMC), Tiruppur** and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police daily at 10.00.a.m., until further orders.



CrI.OP.No.20735 of 2023

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

15.09.2023

sma

To

1. Sessions Judge, Magalir Neethimandram (FTMC), Tiruppur
2. The Inspector of Police,
Nallur Police Station,
Tiruppur.
3. Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.OP.No.20735 of 2023

G.CHANDRASEKHARAN. J.

sma

Crl.O.P.No.20735 of 2023

15.09.2023