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CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2023

PRESENT

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

CRL OP(MD). No.212 of 2023

D.Kannan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thirumangalam Police Station,
Madurai District
(Crime No.242 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Rajaboopathy D,
Advocate.

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

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

PRAYER :-

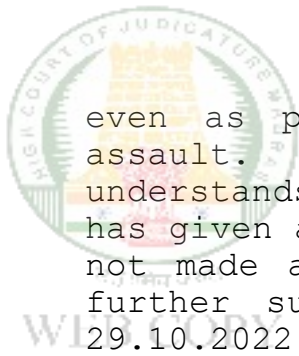
For Bail in Crime No.242 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 29.10.2022 for the offence punishable under Section "Girl Missing-Non Act" @ 7 and 8 of POCSO Act, in Crime No.242 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, is that her minor daughter who is aged 17 years, was studying +2, was found missing from 28.10.2022 and based on the complaint, a case was registered for Girl Missing. During the course of investigation, it came to light that the petitioner had kidnapped the victim girl and also misbehaved with her. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and a false complaint has been given against him. He would further submit that the petitioner and the victim girl are known to each other and the victim girl had come to his house, other than that he has not committed any offence and



even as per the prosecution, there is no allegation of sexual assault. He would further submit that the petitioner also understands that the victim girl during the course of investigation, has given a statement under Section 164 of Cr.P.C., wherein, she has not made any serious allegations against the petitioner. He would further submit that the petitioner is in judicial custody from 29.10.2022 and he would seek for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner had kidnapped the victim girl, who is aged 17 years and also had misbehaved with her and hence, he would object for grant of bail. He would further submit that the statement of the victim has also been recorded under Section 164 of Cr.P.C.

5.Heard. Perused the materials available on record including the First Information Report and also the statement recorded from the victim girl under Section 164 of Cr.P.C.

6.Taking into consideration of the facts and submissions made by the learned counsels and also considering the period of incarceration, 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 learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai, and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge/concerned Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

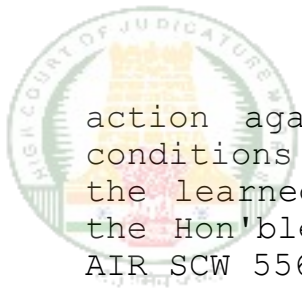
[c] the petitioner shall report before the respondent police daily at 10.30 A.M. for a period of two weeks and thereafter, every Saturday at 10.30 A.M, until further orders.

[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 Sessions Judge/concerned Court is entitled to take appropriate



action against the petitioner in accordance with law as the conditions have been imposed and the petitioner released on bail by the learned Sessions Judge/concerned Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

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

sd/-

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05/01/2023

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

SJI

TO

- 1 THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, MADURAI.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE, THIRUMANGALAM POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.212 of 2023

Date :05/01/2023

RS/SSS/SAR.(05.01.2023) 3P-5C