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CRL OP(MD).



23

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

Date : 30/01/2023

PRESENT

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

CRL OP(MD) . No.1711 of 2023

S.Ilayaraja

... Petitioner/Sole Accused

Vs

The state rep.by
The Inspector of Police,
Tirupparankundram Police Station,
Madurai District.
Crime No.608 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Ezhilarasu.C,
Advocate.

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

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

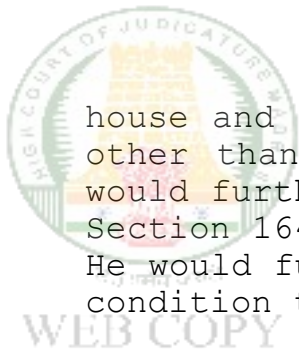
PRAYER :-For Bail in Crime No.608 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 04.01.2023 for the offence punishable under Sections Girl missing @ 366 of IPC,5(j),6 of POCSO Act @ 366 of IPC and Sections 7,8 of POCSO Act in Crime No.608 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner on the false promise of marrying the victim girl on 15.12.2022 had committed penetrative sexual assault on the victim girl, hence the case.

3. The learned counsel appearing for the petitioner would submit that petitioner would submit that the petitioner and the victim are in love for the past five years and on the instigation the victim the petitioner had taken the victim to his neighbours



house and stayed there for nine days. He would further submit at other than that the petitioner has not committed any offence. He would further submit that the victim in her statement recorded under Section 164 Cr.P.C has not stated anything about the physical abuse. He would further submit that the petitioner is ready to abide by any condition that may be imposed on him

4. The learned Additional Public Prosecutor appearing for the respondent would submit that initially the case registered as Girl Missing and later during investigation it came to light that the petitioner herein had kidnapped the victim girl from her house and committed penetrative sexual assault. He would also 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 the statement of the victim recorded under Section 164 of Cr.P.C.

6. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration 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 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 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., 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

30/01/2023

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

TO

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

+1. CC to M/S.EZHILARASU.C Advocate SR.No.1388.

ORDER

IN

CRL OP(MD) No.1711 of 2023

Date :30/01/2023

AAV

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