



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD) . No.2133 of 2023

WEB COPY

Chellapandi

... Petitioner/Sole Accused

Vs

State Rep.by

**(*)The Inspector of Police,
South All Women Police Station,
Madurai.**

Crime No.872 of 2022.

... Respondent/Complainant

**(*) (Amended as per the order of this
court dated 06.02.2023 in CRL MP
(MD) .2165/2023 in CRL OP(MD) .
2133/2023)**

For Petitioner : M/s.Balasubramanian P, Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

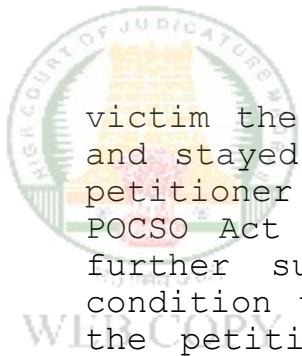
For Bail in Crime No.872 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 13.12.2022 for the offence punishable under Sections Girl missing @ 366(A) of IPC and Section 5(1),6 of POCSO Act in Crime No.872 of 2022 on the file of the respondent police, seeks bail.

2.The case came to be registered on the complaint given by the defacto complainant that her minor daughter aged about 17 years was found missing. Based on the complaint originally the case was registered for girl missing and later during the course of investigation it came to light that the petitioner had kidnapped the minor victim girl and committed penetrative sexual assault on her. Hence the case.

3.The learned counsel appearing for the petitioner would submit that petitioner would submit that the petitioner and the victim were in love for the past four years and on the instigation the



victim the petitioner had taken the victim to his neighbor and stayed there for five days. He would further submit that the petitioner without understanding the rigours and consequences of POCSO Act had consensual sexual relationship with her. He would further submit that the petitioner is ready to abide by any condition that may be imposed on him. He would further submit that the petitioner is in judicial custody from 13.12.2022, hence he seeks bail.

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(of which one shall be the father or mother of the petitioner) each for a like sum to the satisfaction of the learned Session Judge, Principal Special Court for Exclusive trial of cases under POCSO Act, Madurai and on further conditions that:

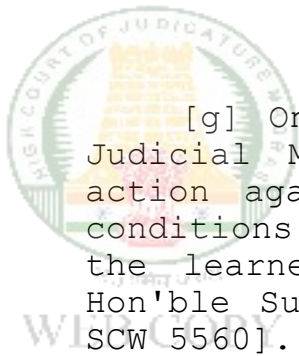
[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[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 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].

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

sd/-

06/02/2023

/ TRUE COPY /

06/02/2023

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

AAV

TO

1 THE SESSION JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT
MADURAI.

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE, SOUTH ALL WOMEN POLICE STATION,
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-1854[I] dated
06/02/2023)

ORDER

IN

CRL OP(MD) No.2133 of 2023

Date :06/02/2023

RS/VR/SAR.(06.02.2023) 3P-6C