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CRL OP(MD).



23

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.2362 of 2023

S.Karthi

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Annavasal Police Station,
Pudukottai District
(Crime No.205 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Yesudasan.M, 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.205 of 2022 on the file of the respondent police

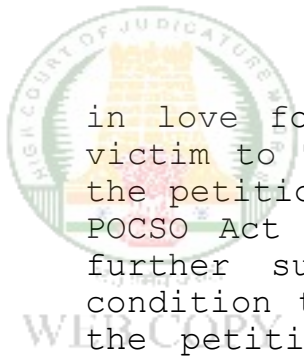
ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 20.12.2022 for the offence punishable under Sections Girl missing @ 363 of IPC r/w.Section 9 of Prohibition of Child Marriage Act and Sections 5(1) r/w.Section 6(1) of POCSO Act in Crime No.205 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

<https://www.mhc.tn.gov.in/judis>



in love for the past one year and the petitioner had taken the victim to Tuticorin and stayed there for 29 days, during such time 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 20.12.2022, 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. He would also submit that the investigation has been completed and the final report has been filed before the concerned Court.

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 father or mother of the petitioner) each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Ilupur and on further conditions that:

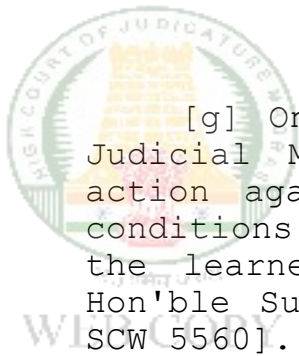
[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the District Munsif cum Judicial Magistrate, Ilupur 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 or influence the 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 SCW 5560].

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

sd/-

06/02/2023

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07/02/2023

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

AAV

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, ILUPUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.
- 3 THE OFFICER INCHARGE, SUB JAIL, PUDUKOTTAI DISTRICT.
- 4 THE INSPECTOR OF POLICE, ANNAVASAL POLICE STATION,
PUDUKOTTAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO MR.M.YESUDASAN, Advocate (SR-1869[I] dated 06.02.2023)

ORDER

IN

CRL OP(MD) No.2362 of 2023

Date :06/02/2023

RS/SSS/SAR.(06.02.2023) 3P-7C