



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.2367 of 2023

Ponnaiah

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station-Thirumayam,
Pudukottai District.
in Crime No.6/2023.

... Respondent/Complainant

For Petitioner : M/s.MOHAN A,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

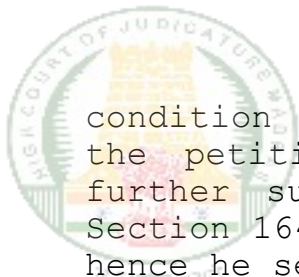
PRAYER :- For Bail in Crime No.6/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 09.01.2023 for the offence punishable under Sections Girl missing @ Section 9 of Prohibition of Child Marriage Act, 2006 and Section 7 r/w.8 of POCSO (Amendment) Act, 2019 in Crime No.6 of 2023 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 who was working in Thirumayam Bala textiles 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 few years and on the instigation of the victim the petitioner had married the victim. 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 09.01.2023. 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. hence he seeks bail.

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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, Mahila Court, Pudukottai 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/-

06/02/2023

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06/02/2023

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

AAV

TO

- 1 THE SESSIONS JUDGE,
MAHILA COURT, PUDUKOTTAI.
- 2 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION-THIRUMAYAM,
PUDUKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MOHAN A Advocate SR.No.1815

ORDER

IN

CRL OP(MD) No.2367 of 2023

Date :06/02/2023

SA/SSS/SAR. /06.02.2023/3P/6C