



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.02.2023
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.3287 of 2023

WEB COPY

Muthukrishnan

...Petitioner/Sole Accused

-vs-

The State represented by
The Inspector of Police,
Uvari Police Station,
Tirunelveli District.
(in Cr.No.13 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.13 of 2023.

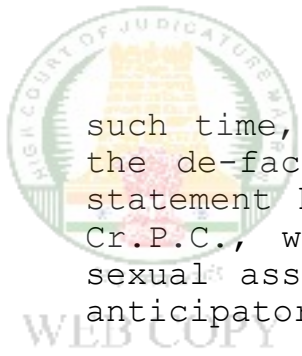
For Petitioner	: Mr.S.P.Naveenkumar
For Respondent	: Mr.A.Albert James
	Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section girl missing @ Sections 5(1) r/w 6 of POCSO Act in Crime No.13 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case came to be registered on the complaint of one Shanthi, that her minor daughter, born on 16.04.2007, was missing from 31.01.2023. Based on the said complaint, a case was registered in Cr.No.13 of 2023 for girl missing. During the course of investigation, it came to light that the accused had kidnapped the victim girl from the custody of her mother and had committed penetrative sexual assault, thereafter, the case was altered to Sections 5(1) r/w 6 of POCSO Act.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that there was a love affair between the petitioner and the victim girl, who hail from the same village. On coming to know of the love affair, the parents of the victim girl reprimanded the victim girl and thereby, she had come to Pollachi, where, the petitioner was having stainless steel business. Later coming to know of the registration of the case, the petitioner had dropped the victim to her house. He would also submit that during



such time, there was no physical affair between the petitioner and the de-facto complainant. The petitioner also understands that a statement has been recorded from the victim girl under Section 164 Cr.P.C., wherein, the victim girl has not made any allegation of sexual assault against the petitioner. Hence, he would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that based on the complaint given by the de-facto complainant, the case was registered, as one under girl missing and during the course of investigation, it came to light that the petitioner had kidnapped the victim minor girl. Hence, he would oppose for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., and Statement recorded from the victim girl under Section 164 Cr.P.C., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Rathapuram on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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]**.



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

sd/-
28/02/2023

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/ TRUE COPY /

/03/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE
RADHAPURAM.
- 2 DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
UVARI POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.NAVEENKUMAR.S.P. Advocate SR.No.3048

ORDER
IN
CRL OP (MD) No.3287 of 2023
Date : 28/02/2023

SS/SAR II/14/03/2023/3P/6C