



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.3445 of 2023

WEB COPY

Karthick

... Petitioner/Sole Accused

-VS-

The State represented by
The Inspector of Police,
C5-Karimedu Police Station,
Madurai District.
(in Cr.No.1379 of 2021)

... Respondent/Complainant

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

PRAYER :- For Bail in Crime No.1379 of 2021 on the file of the
Respondent Police.

For Petitioner	: Mr.R.Rajesh Kumar, Advocate
For Respondent	: Mr.T.Senthil Kumar Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.01.2023 for the offences punishable under Section girl missing @ Section 366 of IPC and subsequent altered into girl missing @ Section 366 of IPC and 5(L) and 6 of the POCSO Act, 2012 in Crime No.1379 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, is that his minor daughter aged 17 years, was found missing on 29.11.2021. Based on the complaint, a case was registered in Cr.No.1379 of 2021 under "girl missing" and during the course of investigation, the girl was secured and it came to the light that the petitioner has kidnapped the victim girl and taken her to Chennai and had committed penetrative sexual assaulted on her.

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 the petitioner and victim girl were in love affair for the past nine months. He would further submit that the petitioner and the victim girl, without understanding the rigors and consequences of POCSO Act, had consensual affair. Hence, he would seek for bail.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has kidnapped the victim and had committed penetrative sexual assault on her. He would object for grant of bail to the petitioner.

5.Heard. Perused the materials available on record including the FIR as well as the statement recorded from the victim girl under Section 164 Cr.P.C.

6.Taking into consideration of the facts and submissions made by the learned Counsels and that the petitioner is in judicial custody from 20.01.2023, 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 Special Court for POCSO Act at Madurai, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

22/02/2023

/ TRUE COPY /

22/02/2023

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



CMR
TO

1 THE JUDGE,
SPECIAL COURT FOR POCSO ACT AT MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL-II.

3 THE INSPECTOR OF POLICE,
C5-KARIMEDU POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.RAJESH KUMAR.R Advocate SR.No.2701

ORDER

IN

CRL OP (MD) No.3445 of 2023
Date :22/02/2023

SA/SBN/SAR. /22.02.2023/3P/6C