



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/04/2023

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.7507 of 2023

1. Raja Mohamed,

2. Sulthan Alavudeen, ... Petitioners/Accused Nos. 6 & 8

Vs

State Rep.by
The Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.88/2022).

... Respondent/Complainant

For Petitioners : M/s.Balasubramanian.N, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor(Crl.Side)

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

PRAYER :-

For Bail in Cr No.88/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners /A6 and A8 who were arrested and remanded to judicial custody on 07.03.2023 for the offences under sections Girl Missing @ 5(1),6 of POCSO Act and sections 143,307,366(A) of IPC @sections 5(1),6 of POCSO Act and sections 143,302,366(A) of IPC in Crime No.88 of 2022 on the file of the respondent police seek bail.

2. The case of the prosecution is that A1 alleged to have kidnapped the victim girl aged about 17 years and had committed penetrative sexual assault. Further A1 kidnapped the girl to Pallipalayam to the house of A9 where A1 again committed penetrative sexual assault . The further allegation is that A1 cheated the victim girl and made her to consume rat paste and left her in her house. Later she died,hence the case.



3. Heard both sides and perused the materials available on record including the First Information Report.

4. It is seen that there are totally 11 accused in this case and the petitioners herein are arrayed as A6 and A8. The first petitioner is the brother of A1 and the second petitioner is the maternal uncle of the first petitioner. The first accused fell in love with the victim girl and thereafter they eloped and the third accused who is none other than the A1's friend's brother-in-law at Tirupur had given shelter to them. When the defacto complainant lodged complaint the first accused and the deceased decided to commit suicide by consuming rat poison. Both consumed rat poison, however the first accused escaped from the poison and the victim was admitted in the hospital. On compulsion of the minor victim she was brought to the house of her family by the family members of the first accused. Even according to the case of prosecution they have not given shelter only the third accused has given shelter to the first accused and the deceased. In so far as the petitioners herein are concerned they are only relatives of the first accused. Except the relationship there is no specific overt act as against these petitioners.

5. The learned Additional Public Prosecutor would submit that out of 11 accused some of the accused were granted bail in which the mother of the first petitioner and sister of the second petitioner are absconding and Non Bailable Warrants are pending against him.

6. These petitioners are concerned they were arrested and remanded to judicial custody on 07.03.2023. Now the investigation has been completed and the final report has been taken cognizance by the learned Sessions Judge, Principal Special Court for Exclusive trial of cases under POCSO Act, Madurai in Spl.S.C.No.145 of 2022 and the case is under trial. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration this court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Sessions 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 petitioners shall report before the learned Sessions Judge, Principal Special Court for Exclusive trial of cases under POCSO Act, Madurai



POCSO Act, Madurai on all working days at 10.30 am., and until further orders.

[d] the petitioners shall not commit any offences of similar nature.

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[e] the petitioners shall not abscond either during investigation or trial.

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

sd/-

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

AAV
TO

- 1 THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT, MADURAI.
- 2 THE INSPECTOR OF POLICE
MELUR POLICE STATION, MADURAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7507 of 2023

Date :24/04/2023