



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8766 of 2023

Ajithpandi

... Petitioner/Petitioner/Accused No.1

Vs

State rep. by
The Inspector of Police,
Chekkanurani Police Station,
Madurai District.
Crime No.137 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Ramsundarvijayraj S,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

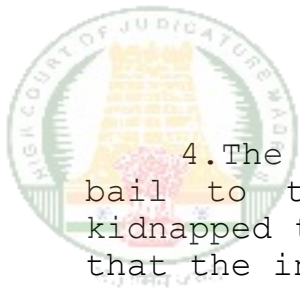
For Bail in Crime No.137 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A1, who was arrested and remanded judicial custody on 10.04.2023 for the offences punishable under Sections 294 (b), 448, 323, 366(A) and 506(i) of IPC and sections 7, 8 of POCSO Act, 2012 in Crime No.137 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein enticed the victim girl and kidnapped her to his relative's house where he kissed the victim girl, hence the case.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He further submits that both the petitioner and the victim loved each other and the petitioner is in judicial custody from 10.04.2023, hence he seeks bail.



4.The learned Additional Public Prosecutor opposed to grant bail to the petitioner stating that the petitioner herein had kidnapped the minor victim girl and kissed her. However he concedes that the investigation is almost completed.

5.It is seen that both the petitioner and the victim are relatives and they both loved each other. It is a case of love affair and elopement. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the investigation is almost completed, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties(of which one shall be a blood related surety) 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

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two months and thereafter as and when required for interrogation by the respondent police.

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial;

(v)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]**.

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

sd/-

17/05/2023

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17/05/2023

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



TO

1. The Sessions Judge,
Principal Special Court for Exclusive trial
of cases under POCSO Act, Madurai.
2. The Superintendent, Central Prison, Madurai.
3. The Inspector of Police,
Chekkanurani Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.RAMSUNDARVIJAYARAJ, Advocate (SR-7405[I] dated 17/05/2023)

ORDER
IN
CRL OP(MD) No.8766 of 2023
Date : 17/05/2023

NA/MMS/SAR- /17.05.2023/3P/6C