



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.8825 of 2023

Mohamed Sameer

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
(Crime No.49 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Narayanakumar.K.P.,
Advocate.

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

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

PRAYER :-

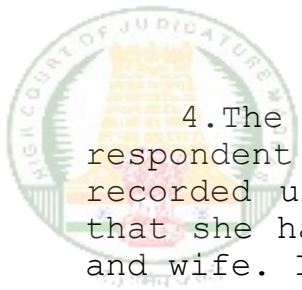
For Bail in Crime No.49 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 23.03.2023 for the offences punishable under Sections Girl Missing @ 366 IPC r/w Sections 6 and 5(1) of POCSO Act in Crime No.49 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 02.02.2023, the victim child went to the school and never returned home. Hence, the complaint was made before the respondent police and FIR was registered under "Girl Missing". Subsequently, after securing the girl, the offence was altered.

3.The learned counsel appearing for the petitioner would submit that the petitioner had love affair with the victim girl and the parents of the victim girl gave a false complaint against him. Hence, he prayed for bail.



4.The learned Government Advocate (Crl.Side) appearing re respondent would submit that the statement of the victim girl was recorded under Section 164 of Cr.P.C. The victim girl also admits that she had affair with the petitioner and they lived as a husband and wife. Investigation almost completed.

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5.Considering the facts and circumstances of the case and also considering the facts that the investigation almost completed and 164 of Cr.P.C statement of the victim girl was also recorded and also the period of incarceration undergone by the petitioner, 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.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 Special Court for POCSO Act, Tirunelveli, 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 every Tuesday and Sunday at 10.30 A.M., for a period of four months and thereafter, as and when required for interrogation;

[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 SCW 5560].

[h] 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 Special Court for POCSO Act, Tirunelveli.
2. The Superintendent, Central Jail, Palayamkottai.
3. The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-7433[I] dated 17/05/2023)

ORDER
IN
CRL OP(MD) No.8825 of 2023
Date : 17/05/2023

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