



CRL OP(MD). No.21916 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.21916 of 2023

M.Muniasamy

... Petitioner/Sole Accused

Vs

The State rep. by,
The Inspector of Police,
Thirumayam All Women Police Station,
Pudukottai District.
Crime No.194 of 2023

... Respondent/Complainant

For Petitioner : Mr.R.Santhanam
Advocate.

For Respondent : Mrs.M.Aashaa,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.194 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 13.09.2023 for the alleged offence punishable under caption 'girl missing' @ Sections 5 (l) r/w 6(i) of POCSO (Amendment) Act, 2019 and 506(i) of IPC in Crime No.194 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on the complaint lodged by the mother of the victim girl that her daughter was found missing from 08.09.2023, the case was initially register the case under caption 'girl missing'. Thereafter, it was found that on 09.09.2023, the accused kidnapped the victim girl and take her to Thiruvudagam Colony, Vadipatti Taluk, Madurai District and committed the sexual assault on her. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner and the victim girl loved each other from 2019 onwards and the petitioner is ready to marry the victim girl. The petitioner is in custody from 13.09.2023, hence he seeks bail.



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4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the petitioner kidnapped the victim girl and committed the sexual assault upon her. Further, he threatened her not to disclose the said occurrence to others, hence he objected to grant bail to the petitioner. He would further submit that investigation was already completed and final report was filed before the concerned Court and the same was not yet taken on file.

5.Considering the facts and circumstances and also considering the period of incarceration and considering the fact that the victim girl had love affair with this petitioner and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012) 1 SCC 40, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[i] 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 District Mahila Court, Pudukottail, and on further conditions that:



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(ii) 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;

(iii) the petitioner shall appear before the District Mahila Court, Pudukottail, as directed by the trial Court.

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

(v) the petitioner shall not abscond during trial.

(vi) 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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/12/2023

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06/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1.The District Mahila Court, Pudukottai.
 2. The Superintendent, Central Prison, Pudukottai.
 - 3.The Inspector of Police,
Thirumayam All Women Police Station,
Pudukottai District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.R.SANTHANAM, Advocate (SR-17316[I] dated 06/12/2023)

ORDER
IN
CRL OP(MD) No.21916 of 2023
Date :06/12/2023

SSA/06.12.2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023