



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Cr.O.P.No.20357 of 2024

Jegatheeshwaran

... Petitioner

Versus

State Rep by.
The Inspector of Police
AWPS, Tiruppur North
Tiruppur District
(Crime No.844 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.844 of 2024 on the file
of the respondent.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.06.2024 for the alleged offences punishable under Sections Girl Missing @ 344, 366 of IPC, 5(1) read with 6 of the POCSO Act and 9 of Child Marriage Act in crime No.844 of 2024 on the file of the respondent, seeks bail.

2. The case of the prosecution is that the defacto complainant/father of the minor victim girl has lodged a complaint on 05.06.2024 stating that the victim girl was missing and later on investigation, it was found that petitioner had intercourse with the defacto complainant's daughter, who is a minor aged 17 years old. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case, he has not committed any offence and he is in judicial custody from 13.06.2024. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side)



submits that the victim girl was missing and later on investigation, it was found that petitioner had intercourse with the defacto complainant's daughter, who is a minor aged 17 years old. He further submitted that the statement of the victim girl has been recorded under Section 164 of Cr.P.C. and further submitted that the investigation is almost completed. However, he raised objection to grant bail.

5. Considering the rival submissions of the learned counsel and the fact that the statement of the victim girl has been recorded under Section 164 Cr.P.C, and also there was a love affair between the petitioner and the defacto complainant's daughter, investigation is almost completed and also the number of days of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 court of ***learned Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur***, and on further conditions that:



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- [a] the petitioner shall report before the learned Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur, on all working days at 10.30 a.m. until further orders;**
- [b] the petitioner shall not abscond either during investigation or trial;
- [c] the petitioner shall not tamper with evidence or witness either during investigation or trial;
- [d] 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];
- [e] if the accused thereafter absconds, a fresh FIR can be registered under Section 229A of the IPC.

22.08.2024

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To

1.The Sessions Judge
Mahalir Neethimandram (FTMC)
Tiruppur.

2. The Inspector of Police
AWPS, Tiruppur North
Tiruppur District

3.The District Jail, Tiruppur

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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