



CRL OP(MD). No.4656 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Raman

... Petitioner/Sole Accused

Vs.

The Inspector of Police,
Karivalamvandanallur Police Station,
Tenkasi District.
In Crime No.55 of 2019.

... Respondent/Complainant

For Petitioner : Mr.S.Sathya Chidambaram, Advocate
for Mr.T.Veldurai, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner on bail in Spl.S.C.No.298 of 2019, pending on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 06.02.2024 for the offences punishable under Section Girl Missing @ Sections 366,

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376 of IPC r/w. 5(l), 5(j)(ii) and 6 of POCSO Amendment Act, 2019 in Crime No.55 of 2019, on the file of the respondent Police, seeks bail.

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2. The case of the prosecution is that the victim is the first daughter of the defacto complainant and she was studied 10th standard at that time of occurrence. It is alleged that on 08.02.2019, the victim girl did not return home from school and on search also, she was not found. Hence, initially, the case was registered as girl missing and thereafter, it was altered under Sections 366, 376 of IPC r/w. 5(l), 5(j)(ii) and 6 of POCSO Amendment Act, 2019 against the petitioner in Crime No.55 of 2019. Hence, the petitioner was arrested and remanded to judicial custody. Thereafter, he enlarged on bail and subsequently the Law Enforcing Authority, after completing the investigation, a Charge Sheet was filed before the Special Court for POCSO Act Cases, Tirunelveli in Spl.C.C.No.298 of 2019. Due to non-appearance of the petitioner, the trial Court issued non-bailable warrant, pursuant to which, the petitioner was arrested and remanded to judicial custody on 06.02.2024.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He would



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further submit that the petitioner has co-operated with the trial proceedings in all hearings and due to non-appearance on 29.08.2023, Non bailable warrant was issued against the petitioner on 13.09.2023. So, he was arrested and remanded to judicial custody on 06.02.2024. Further, it is purely love affair between the victim and the petitioner. Now the victim girl attained majority and she is living with the petitioner at his house and now the petitioner and the victim girl blessed with two girl children. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the victim girl was minor at that time of marriage, hence, the petitioner involved in heinous nature of offence. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration, this Court is inclined to grant bail to the petitioner, subject to the following conditions:



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7. Accordingly, this Criminal Original Petition is ordered and 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 learned Session Judge, Special Court of POCSO Act Cases, Tirunelveli, and on further conditions that:

(a) 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;

(b) the petitioner is directed to appear before the respondent Police daily at 10.30 a.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]; and;



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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/03/2024

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25/03/2024
Sub-Assistant Registrar (PA-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Indu

TO

1.The Session Judge,
Special Court of POCSO Act Cases, Tirunelveli.

2.The Superintendent,
Central Prison, Palayamkottai, Tirunelveli.

3.The Inspector of Police,
Karivalamvandanallur Police Station,
Tenkasi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.VELDURAI, Advocate (SR-3634[I] dated 25/03/2024)

ORDER
IN
CRL OP(MD) No.4656 of 2024
Date :25/03/2024

RK (25/03/2024) 5P / 6C

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