



CRL OP(MD). No.23297 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.23297 of 2023

Sathiyaseelan @ Baskar,

... Petitioner/ Accused

Vs

**The Inspector of Police,
Thirukkattupalli Police Station,
Thanjavur District.
(Crime No.298 of 2023).**

... Respondent/ Complainant

**For Petitioner : Mr.S.Sankar, Advocate.
For Respondent : Mr.B.Nambiselvan,
Government Advocate (Crl.Side)**

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

PRAYER :-

For Bail in Crime No.298 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



CRL OP(MD). No.23297 of 2023

on 03.10.2023 for the offence punishable under Sections 5(1) and 6 of POCSO Act and Section 366 of I.P.C., in Crime No.298 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the defacto complainant's daughter had love affair with the petitioner and the petitioner herein kidnapped the defacto complainant's daughter. Therefore, the defacto complainant's mother made a complaint before the respondent Police as "Girl Missing Case". Hence the complaint.

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. He would further submit that the petitioner herein and the defacto complainant's daughter are lovers and on her own volition only, they went to several places. Hence, he prayed for bail.

4. The learned Government Advocate (Criminal Side) has produced 164 of Cr.P.C. statement before this Court. He vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsel on either side. This Court perused the 164 of Cr.P.C. statement recorded by the concerned learned Judicial Magistrate.

6. On going through the aforesaid statement, this Court finds that there is no



CRL OP(MD). No.23297 of 2023

serious allegations made against the petitioner and also there is no sexual relationship between the petitioner and the defacto complainant's daughter.

7. Considering the facts and circumstances of the case and also considering the fact that there are no serious allegations against the petitioner and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

8. 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 learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur 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 for a period of two weeks daily i.e., at 10.30 A.M., and thereafter, as and when required for interrogation;

(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;



CRL OP(MD). No.23297 of 2023

WEB COPY

(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;

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

sd/-
03/01/2024

/ TRUE COPY /

03/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

- 1 THE PRINCIPAL SPECIAL JUDGE
FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
THANJAVUR.
- 2 THE INSPECTOR OF POLICE
THIRUKKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.
- 3 THE OFFICER INCHARGE
DISTRICT PRISON, PUDUKOTTAI.



CRL OP(MD). No.23297 of 2023

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.23297 of 2023
Date :03/01/2024

PKP/SAR- /03.01.2024/ 5P/ 5C

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