IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Third day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs Justice R. HEMALATHA

CRIMINAL ORIGINAL PETITION No.13649 of 2018

GOPALAKRISHNAN [PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY [RESPONDENT]
INSPECTOR OF POLICE,
THOPPUR POLICE STATION,
DHARMAPURI DISTRICT.
CR.NO.62/2018

For Petitioner : M/S.P.RAJKUMAR PANDIAN Advocate

For Respondent : MR. R.SURYA PRAKASH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who has been arrested and remanded to Judicial custody on 17.03.2018, for the alleged offences punishable under Section 366(A) of the Indian Penal Code read with Sections 9 and 10 of Child Marriage Act and Sections 5(L) and 6 of POCSO Act in Crime No.62 of 2018 on the file of Thoppur Police Station, Dharmapuri District, seeks bail.

2. The learned counsel appearing for the petitioner contended that the petitioner and the victim girl viz., Abirami fell in love with each other and that the petitioner has not committed any offence as alleged by the prosecution.

3. Per contra, learned Government Advocate (criminal side) would contend that the petitioner abducted the victim girl, Abirami, who is a minor and committed the offences punishable under Sections 366(A) of the Indian Penal Code read with Sections 5 (L) and 6 of POCSO Act. He, therefore prayed for dismissal of the present petition.

4. The petitioner was remanded to judicial custody on 17.03.2018 and most part of the investigation should have been completed by now.

4. Considering the age of the petitioner and the facts and circumstances of the present case, I am inclined to grant bail to the petitioner with the following conditions:

(i) The petitioner should 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 learned Judicial Magistrate No.II, Dharmapuri.

[ii] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

[iii] 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].**

[iv] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
23/05/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THOPPUR POLICE STATION,
DHARMAPURI DISTRICT.

5 THE OFFICER INCHARGE,
SUB-JAIL, DHARMAPURI.

+1CC to M/S.P.RAJKUMAR PANDIAN Advocate on payment of necessary charges SR NO.9362

CRL OP.13649/2018

Date :23/05/2018

MK:23/05/2018