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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.15432 of 2021

Suresh @ Periyasamy  
S/o.Thangarasu

... Petitioner

Vs.

State Rep, by its  
The Inspector of Police,  
Kunnam Police Station,  
Perambalur District.  
(Crime No.595 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in Crime No.595 of 2021 on the file of the respondent police.

For Petitioner : Mr. G. Ilamurugu

For Respondent : Mr.A.Gopinath  
Government Advocate (Crl.Side)  
[CRL.O.P.No.15432/2021]

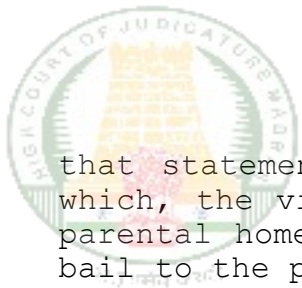
THE PUBLIC PROSECUTOR  
[CRL.MP.No.9197/2021]

ORDER

The petitioner who was arrested on 30.06.2021 and remanded to judicial custody for the offences under Sections Girl Missing 9 of Prohibition of Child Marriage Act, 2006 and Section 5(i) r/w Section 6 of POCSO Act, 2012, in Crime No.595 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl is a minor and the petitioner is said to have kidnapped the victim girl. Based on the complainant given by the mother of the victim girl, the case came to be registered.

3. The learned counsel for the petitioner submits that the victim girl and the petitioner loved each other and the victim girl, on her own volition, eloped with the petitioner. He further submits



that statement of the victim u/s 164 Cr.P.C. has been recorded, in which, the victim has admitted that on her own volition she left her parental home and went with the petitioner. Hence, he seeks grant of bail to the petitioner.

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4. The learned Government Advocate (Crl.Side) submits that the petitioner kidnapped the minor victim girl. She further submits that statement of the victim u/s 164 Cr.P.C. has been recorded and that investigation is almost completed. However, she opposed grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact that the victim girl is on the verge of attaining majority and as per the statement of the victim u/s 164 Cr.P.C., the minor girl had admitted that she had, on her own, left her home and eloped with the petitioner and also considering the fact that investigation is almost completed and taking into account the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following 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 learned **(\*)Principal District Sessions and Mahila court, Perambalur** and on further condition 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 shall report 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;



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

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-sd/-  
01/09/2021

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

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

**(\*) AMENDED AS PER ORDER OF THIS COURT DATED 14/09/2021 MADE IN CRL.MP.No.9197 OF 2021 IN CRL.O.P.NO.15432 OF 2021**

TO

**1 (\*) THE PRINCIPAL DISTRICT SESSIONS  
AND MAHILA COURT, PERAMBALUR**

2 THE JUDICIAL MAGISTRATE,  
PERAMBALUR.

3 THE CHIEF JUDICIAL MAGISTRATE  
PERAMBALUR [FOR INFORMATION].

4 THE INSPECTOR OF POLICE,  
KUNNAM POLICE STATION,  
PERAMBALUR DISTRICT.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHY.

6 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S G.ILAMURUGU Advocate on payment of necessary charges

CRL OP.15432/2021

Date : 01/09/2021

JPA 02/09/2021

JPA 18/02/2022