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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.16261 of 2021

Karuppusamy

... Petitioner

Vs.

The State Represented by :-
Inspector of Police,
Gudimangalam Police Station,
Udumalpet,
Tiruppur District.
Crime No.553 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., praying to enlarge the petitioner/accused on bail in crime No.553 of 2021 pending on the file of the respondent police.

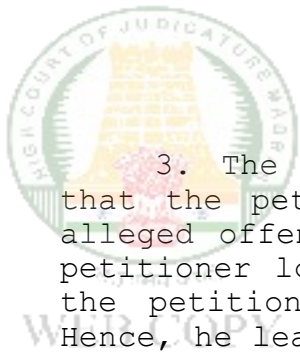
For Petitioner : Mr.D.R.Arun Kumar

For Respondent : Mr.A.Gopinath
Government Advocate(Crl. side)

ORDER

The petitioner who was arrested on 12.07.2021 and remanded to judicial custody for 'Girl missing case' and subsequently, it was altered into the offence under Section 366 of IPC and Sections 5(1) read with Section 6 of Protection of Children from Sexual Offence Act 2012 in Crime No.553 of 2021, on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that on 10.07.2021, the defacto complainant, who is the father of the victim, lodged a complaint before the respondent police that his daughter was found missing. Hence, initially, the respondent police registered a case as girl missing. On investigation, the petitioner kidnapped the minor girl and had sexual intercourse with her. Hence, the respondent police registered a case against the petitioner.



3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he is nothing to do with the alleged offence as stated by the prosecution and the victim and the petitioner loved each other and the victim had voluntarily went with the petitioner and the petitioner is in custody from 12.07.2021. Hence, he learned counsel prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the victim girl has been produced before the learned Judicial Magistrate, Udumalaipet and recorded 164 statement. However, the victim is a minor girl and therefore, the learned counsel vehemently opposed to grant bail to the petitioner.

5. This Court is of the view that on perusal of the 164 statement, it was stated that the victim girl, on her own volition, went along with the petitioner and got married with the petitioner and further considering 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Magalir Neethimandram, Tiruppur 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 is directed to appear before the respondent police daily morning at 10.30 am 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
13/09/2021

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 MAGALIR NEETHIMANDRAM
TIRUPPUR.

2 THE JUDICIAL MAGISTRATE,
UDUMALAIPET.

3 THE INSPECTOR OF POLICE,
GUDIMANGALAM POLICE STATION,
UDUMALPET, TIRUPPUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUPPUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.D.R.ARUN KUMAR Advocate on payment of necessary charges SR.NO. 9887

CRL OP.16261/2021

Date :13/09/2021

JPA 14/09/2021