



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.17277 of 2021

Eswar

... Petitioner

Vs.

State rep. By
The Inspector of Police,
Udumalpet Police Station,
Thiruppur.
(Cr.No.1126 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in Crime No.1126 of 2021 pending before the respondent police.

For Petitioner : Mr.M.Karthik

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 11.08.2021 for the offence under Section Girl Missing @ 366 of IPC r/w.5(1), 6 of POCSO Act, 2012 in Crime No.1126 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the defacto complainant lodged the complaint that his minor daughter was missing.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl are lovers and the victim girl on her own volition went along with the petitioner. The learned counsel, on instructions, further submitted that the petitioner is ready to marry the victim girl once she attain the age of majority and to register the said marriage before the concerned Authority. To that effect, the learned counsel also produced un-clear copy of the affidavit of the petitioner.

4.Heard the submissions made by the learned Government Advocate (Crl. Side).



5. This Court perused the statement of the victim girl recorded under Section 164 of Cr.P.C., which reveals that the victim girl on her own volition went along with the petitioner. Hence, I am inclined to grant bail to the petitioner.

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 at 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 shall report before the respondent police, daily at 10.30 a.m. for a period of two weeks 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;

(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 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/-
29/09/2021

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 INSPECTOR OF POLICE,
UDUMALPET POLICE STATION,
TIRUPPUR.



3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.KARTHIK Advocate on payment of necessary charges
SR.NO.10751

CRL OP.17277/2021

Date :29/09/2021

CSK 30/09/2021