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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.22384 of 2021

T.Ayyappan

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.
(Crime No.509 of 2020)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.509 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.N.S.Suganthan
Government Advocate

O R D E R

The petitioner who were arrested and remanded to judicial custody on 07.09.2021 for the offences under Sections girl missing and thereafter altered as 363, 366(A) of IPC r/w 5(L) and 6 of POCSO Act and subsequently altered as 363, 366 of IPC and Section 9 of Prohibition of Child Marriage Act 2006 in Crime No.509 of 2020, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner abducted the defacto complainant's daughter and took her to his relative house and stayed there for two days and had got married with the defacto complainant's daughter. The petitioner and the defacto complainant are loved each other, knowing the same the defacto complainant's parents made an arrangement for marriage to the defacto complainant with some other boy. Therefore, on the insistence of the defacto complainant's daughter, they eloped. Hence this case.



3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that the victim girl now staying with her parents and investigation is almost completed. However, he vehemently opposed to grant bail to the petitioner.

5. Considering all these facts, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on their executing separate bonds 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 Munsif cum Judicial Magistrate, Harur, Dharmapuri District. 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 shall report before the respondent police on every Tuesday and Sunday at 10.30 a.m. until further orders and the petitioner shall co-operate for trial;

(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/-

02/12/2021

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 MUNSIF CUM JUDICIAL
MAGISTRATE, HARUR, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
DISTRICT JAIL, DHARMAPURI.

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

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.J.PRADEEP Advocate on payment of necessary charges

CRL OP.22384/2021

Date :02/12/2021

RW 03/12/2021