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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM:

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

CrI.O.P.No.23819 of 2021

Pandiyan

...Petitioner

Vs.

The State rep. By
The Inspector of Police
Omerabad Police Station,
Vellore District.
(Crime No.550 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.550 of 2021 on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.N.S.Suganthan
Government Advocate (CrI. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 30.10.2021 for the offences under **Sections 363 of IPC, subsequently altered into 366 of IPC and Sections 7, 8 of Protection of Children from Sexual Offence Act 2012 and Section 9 of Child Marriage Act, 2006** in Crime No.550 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 24.10.2021, the victim, aged 17 years, who is the daughter of the *de facto* complainant, went to her grandmother house to sleep. On 25.10.2021 at about 03.00 a.m., the grandmother of the victim informed to the *de facto* complainant that the victim was found missing. After she came to know about the missing of victim the *de facto* complainant lodged the complaint before the respondent police by suspecting that the petitioner took the victim along with him. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that no such occurrence had happened. He would further submit that the petitioner has been suffering incarceration for more than 46 days from 30.10.2021. Apart from that, an affidavit was filed by the petitioner stating that he is ready to marry the victim girl. Hence, he pray grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that the 164 statement was recorded and the investigation is almost completed.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and that the investigation is almost completed. 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 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 Special Court for Exclusive Trial of Cases under POCSO Act, Vellore, Vellore 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 every Sunday 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.

-sd/-
17/12/2021

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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.

TO

1 THE SPECIAL COURT FOR EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT, VELLORE,
VELLORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
OMERABAD POLICE STATION,
VELLORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S E.KANNADASAN Advocate on payment of necessary
charges SR.NO.15012

CRL OP.23819/2021

Date :17/12/2021

TA-20/12/2021