



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM:

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6277 of 2022

Dhanapal

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Palladam,
Tiruppur District.
(*) (Crime No.51 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner in connection with **(*)Crime No.51 of 2022** on the file of respondent police.

For Petitioner : Mr.J.Pradeep
(DATED 18.03.2022)

: M/S.T.Venkatesan
(DATED 24.03.2022)

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor
(DATED 18.03.2022)

: M/S.E.RAJ THILAK,
Additional Public Prosecutor
(DATED 24.03.2022)

O R D E R

The petitioner, who was arrested on 15.02.2022 for the offences punishable under Section 366 of IPC, r/w 5(1), 6(1) of POCSO Act, in **(*)Crime No.51 of 2022**, on the file of the respondent police, seeks bail.



2. The allegations in the First Information Report is that the defacto complainant's daughter viz., Hemalatha has left the home at about 8 p.m on 13.08.2021. She was studying 12th standard. When the defacto complainant traced her, she brought her home from Bargur All Women Police Station. Again, she left the home on 01.09.2021. The defacto complainant was not able to trace her daughter. Therefore, the defacto complainant gave a complaint.

3. Based on the complaint, the case was registered under girl missing. Subsequently, it was altered to Section 366 of IPC, r/w 5 (1), 6(1) of POCSO Act and it is a case of kidnapping.

4. The learned counsel for the petitioner would submit that the petitioner and victim girl were in love with each other and both eloped and stayed at Bangalore. The petitioner is in judicial custody from 15.02.2022. Hence he prays for bail.

5. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that the investigation is not completed. However, she submits that the medical examination of the victim and the petitioner is over. The copy of the 164 Cr.P.C. statement of the victim girl was produced for the perusal of this Court.

6. The submissions made by the learned Counsel on either side are considered.

7. It is seen from the 164 Cr.P.C. statement of the victim girl that she was in love with the petitioner and she only insisted the petitioner to come to her house and take her from her home. Then, it is also said that they got married. There are no other incriminating allegations made against the petitioner in 164 Cr.P.C statement.

8. Considering the facts and circumstances of the case and also the fact that the medical examination is over the contents of 164 Cr.P.C statement of the victim and submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and that substantial part of the investigation is completed, this Court is inclined to grant bail to the petitioner with conditions.

(a) the petitioner is ordered to be released on bail to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Learned
(*Sessions Judge, Mahila Court, (FAC), Tiruppur;



(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police for a period of 30 days, daily at 10.30 a.m., until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

-sd/-

18/03/2022

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.

[*]Amended as per order of this court dated 24.03.2022 made in Crl.MP.NO.3885/2022 in Crl.O.P.No. 6277/2022

TO

**(*)1 THE SESSIONS JUDGE,
MAHILA COURT, (FAC), TIRUPPUR**

2 THE SESSIONS JUDGE,
MAHILA COURT(FAC), DHARMAPURI.

**(*)3 THE SUPERINTENDENT
CENTRAL PRISON, COIMBATORE.**

4 THE OFFICER INCHARGE,
SUB JAIL, DHARAPURAM.



5 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PALLADAM, TIRUPPUR DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S. T.VENKATESAN Advocate on payment of necessary
charges SR.NO. 4419

CRL OP.6277/2022

Date :18/03/2022

RW 18/03/2022

RW 24/03/2022