



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2022

CORAM:

THE HON'BLE Dr.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.8102 of 2022

Jayaprakash

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
Vaniyambadi Town Police Station,
Vaniyambadi, Tirupathur District.
(Crime No.39 of 2022)

.. 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.39 of 2022 on the file of the Inspector of Police, Vaniyambadi Town Police Station, Vaniyambadi, Tirupathur District.

For Petitioner : Mr.G.Vinodh Kumar

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested on 13.02.2022 for the alleged offences under Sections 363 altered to sections 363, 366 and 109 of IPC and Section 9 of Prohibition of Child Marriage Act 2006 @ 366, 376 (2)(n) of IPC and 5(1), 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act 2006 read with 109 of IPC in Crime No.39 of 2022, on the file of the respondent police, seeks bail.

2.The petitioner was arrested on 13.02.2022 for abetting the main accused to kidnap the minor girl and facilitate their illegal marriage. The prosecution has completed the investigation and the statement of the victim girl under Section 164 of Cr.P.C recorded and formed part of the document relied by the prosecution. The trial court has taken the case on file and numbered as Spl.S.C.No.87/2022 and papers under Section 207 of Cr.P.C. has been served to the petitioner herein and the date of trial is commenced on 12.04.2022.



3. Considering the said fact, this court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore, Vellore District;

(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 is directed to report before the trial Court on the first working day of every English Calendar Month at 10.30 a.m. and to attend the Court on all the hearing dates of trial.

(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];

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

-sd/-

07/04/2022

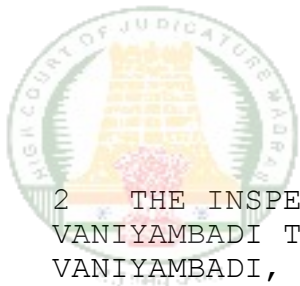
This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

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



2 THE INSPECTOR OF POLICE,
VANIYAMBADI TOWN POLICE STATION,
VANIYAMBADI, TIRUPATHUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to G.VINODH KUMAR Advocate on payment of necessary charges
SR.No.5350

CRL OP.8102/2022

Date :07/04/2022

CSK 08/04/2022