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CrI.OP.No.7248 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.7248 of 2020

Dinesh

..Petitioner

Vs.

The State Rep by,
The Inspector of Police,
All Women Police Station,
Gobichettipalayam,
Erode District.
Cr. No:90/2020

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in crime No.90 of 2020 pending
on the file the respondent.

For Petitioner	: Mr.C.Ramkumar
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial
custody on 15.02.2020 for the offences publishable under **Section 366 of**



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IPC and Section 6 of Protection of Children from Sexual Offences

Act in Crime No.90 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that petitioner is alleged to have kidnapped the victim girl aged about 15 years. Hence, the complaint.

3. The petitioner was arrested on 15.02.2020. The learned Additional Public Prosecutor would submit that the 164 statement of the girl has been recorded. A reading of the same shows that the accused and the victim were known to each other and there is actually love affair and it was not a case of forceful kidnapping. It is also seen that there was no statement regarding any physical affair.

4. In view of the above submission, the interim bail granted to the petitioner in Crl.OP.No.7248 of 2020 dated 17.04.2020 is made absolute on the following conditions;



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[a] 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.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

10.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Inspector of Police,
All Women Police Station,
Gobichettipalayam
Erode District.
- 2.The Public Prosecutor,
High Court of Madras

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10.08.2022