



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.9220 of 2022

Munusamy @ Stalin

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
W-7 All Woman Police Station,
Anna Nagar,
Chennai.
(Crime No.88 of 2022)

.. 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.88 of 2022 on the file of the Inspector of Police, W-7 All Woman Police Station, Anna Nagar, Chennai.

For Petitioner : Mr.B. Ganesha Moorthy

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.03.2022 for the offences punishable under Section girl missing @ into Section 366 of IPC and Section 5(1) read with Section 6 of the POCSO Act 2012 in Crime No.88 of 2022, on the file of the respondent police, seeks bail.

2. The petitioner herein has kidnapped a minor girl aged about 17 years 8 months, who has fallen in love with him was arrested on 14.03.2022.

3. The statement under Section 164(5)A of Cr.P.C of the victim girl indicates that the petitioner and the victim girl were in love and further the victim girl on her own volition eloped with the petitioner.



4. The learned Additional Public Prosecutor submits that the investigation was almost completed and the final report is likely to be filed immediately after receipt of the medical report.

5. In view of the above fact, this Court is inclined to grant bail to the petitioner.

6. 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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

(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 Investigating Officer 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];

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

-sd/-

25/04/2022

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 SESSIONS JUDGE
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, CHENNAI.

2 THE INSPECTOR OF POLICE,
W-7 ALL WOMEN POLICE STATION,
ANNA NAGAR, CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. B.GANESHA MOORTHY Advocate on payment of necessary
charges SR.No.6145

CRL OP.9220/2022

Date :25/04/2022

CSK 26/04/2022