



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.NIRMALKUMAR
CRIMINAL ORIGINAL PETITION No.11175 of 2022

S.SILAMBARASAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
HARUR POLICE STATION,
DHARMAPURI DISTRICT.
(CRIME NO.743/2021)

[RESPONDENT]

For Petitioner : M/S.J.PRADEEP Advocate

For Respondent : M/S. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 07.03.2022 for the alleged offences under Section Girl Missing, subsequently altered as Section 363, 366 IPC, r/w. Sections 5(I), 6(I) of POCSO Act, 2012 in Crime No.743 of 2021 on the file of the respondent police, seeks bail.

2. The contention of the petitioner is that he was forced to accompany the victim girl, who threatened him that if he fails to join her, she would commit suicide. The petitioner, having no other alternative except to elope with her, which has been now termed as kidnapping and also physically assaulted.

3. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner was already a married man, who is aged about 28 years and having two children. He submitted that the petitioner sexually assaulted the victim girl, who is aged about 17 years. He further submitted that the investigation is still pending in this case. Hence, he opposed to enlarge the petitioner on bail.

4. Considering the fact that the petitioner already suffered incarceration nearly for 82 days and that the major portion of the



investigation is completed, this Court is inclined to enlarge the petitioner on bail subject to imposing conditions.

5. 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 Sessions Judge, Fast Track Mahila Court, Dharmapuri 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 till the charge sheet is filed and thereafter, before the trial Court on every hearing dates, without fail.

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

25/05/2022

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,
FAST TRACK MAHILA COURT,
DHARMAPURI

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

3 THE INSPECTOR OF POLICE,
HARUR POLICE STATION,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.J.PRADEEP Advocate on payment of necessary charges
Sr.7895

CRL OP.11175/2022

Date :25/05/2022

RVR 26/05/2022