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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM

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

Crl.O.P.No.15521 of 2022

Siva @ Sivakumar

...Petitioner

Vs.

State, Rep. by
The Inspector of Police,
Indoor Police Station,
Dharmapuri District.
Crime No.52 of 2022

...Respondent

PRAYER:-Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.52 of 2022 on the file of the respondent police.

For Petitioner : Mr.R.Saritha

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.03.2022 for the offence under Sections Girl Missing @ Section 366 of IPC and Section 6 read with 5(1) of POCSO Act, in Crime No.52 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner fell in love with the victim girl aged about 14 years and thereafter on the pretext of marrying her, the petitioner kidnapped the victim girl and had physical relationship. Hence, a complaint was lodged by the victim girl's family members.

3.The learned counsel appearing for the petitioner submitted that the petitioner is ready and willing to register the marriage after the victim girl attains majority. That apart, the petitioner was arrested and remanded to judicial custody on 29.03.2022. Hence, he prays for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor submitted that the statement of the victim girl under Section 164 of Cr.P.C was recorded and further submits that the victim girl was secured. However, he opposed to grant bail to the petitioner.

5. On perusal of the statement of the victim girl recorded under Section 164 of Cr.P.C reveals that the victim girl on her own volition went along with the petitioner and travelled various place.

6. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner i.e., from 29.03.2022, this Court is inclined to grant bail to the petitioner.

7. Accordingly, 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 blood related sureties, each for a like sum to the satisfaction of the learned 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 twice daily at 10.30.a.m., and 04.30.p.m., until further orders.

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

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-sd/-

05/07/2022

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 FAST TRACK MAHILA COURT,
DHARMAPURI.

2 THE INSPECTOR OF POLICE
INDOOR POLICE STATION,
DHARMAPURI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, DHARMAPURI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.J.BHARATHI RAJA Advocate on payment of necessary charges SR.No.10744

CRL OP.15521/2022

Date :05/07/2022

CSK 05/07/2022