



CrI.OP.No.16414 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2022

CORAM

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

CrI.OP.No.16414 of 2022

Dinesh

..Petitioner

Vs.

State rep. by
Inspector of Police,
Erumapatty Police Station,
Namakkal.
Crime No.84/2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.84 of 2022 on the file of Inspector of Police, Erumapatty Police Station, Namakkal the respondent herein in the above case.

For Petitioner : Mr.M.Manigopi

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

ORDER

The petitioner, who was arrested and remanded to judicial



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custody on 07.04.2022 for the offence under Section 366 of IPC, 9 PCM Act 2006 and 5(l) r/w 6 of POCSO Act in crime No.84 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the girl missing complaint given by the *de-facto* complainant father, the above case has been registered and the petitioner is alleged to have kidnapped the victim.

3. The victim girl is aged about 15 years. On perusal of the statement recorded under Section 164 of Cr.P.C. it reveals that, the victim girl herself eloped with the petitioner on the pretext of marriage and thereafter they got married and living together. On the complaint lodged by the parents of the victim girl after so many days, the girl was secured and the petitioner was arrested and remanded to judicial custody on 07.04.2022. Now the respondent Police filed the final report.

4. Considering the above facts and circumstances of the case, and also the period of incarceration of the petitioner from the date of his



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arrest i.e. 07.04.2022, this Court is inclined to grant bail to the petitioner.

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 **Fast Track Mahila Court at Namakkal** 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 register his marriage with the victim girl immediately after attainment of her majority and produce the registration of their marriage certificate before the respondent police, failing which the order passed by this Court shall stand automatically cancelled and the respondent police is directed to secure the petitioner and proceed as against the petitioner in accordance with Law.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

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

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

[f] On breach of any of the aforesaid conditions, the learned



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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]**.

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

15.07.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Fast Track Mahila Court,
Namakkal.
- 2.The Inspector of Police,
Erumapatty Police Station,
Namakkal.
- 3.Namakkal Sub Jail.
- 4.The Public Prosecutor,
High Court of Madras

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