



WEB COPY



Crl.OP.No.16392 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2022

CORAM

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

Crl.OP.No.16392 of 2022

Suryaprakash @ Surya

..Petitioner

Vs.

State By,
The Inspector of Police,
Thandrampet Police Station,
Thiruvannamalai District.
Crime No.123 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in the Crime No.123 of 2022
pending on file of the Inspector of Police, Thandrampet Police Station,
Thiruvannamalai District.

For Petitioner : Mr.S.Silambuselvan

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

ORDER

The petitioner, who was arrested and remanded to judicial



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custody on 06.06.2022 for the offence under Sections 4, 5(l), r/w Section 6 of POCSO Act in crime No.123 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 28.05.2022, at about 10.00 p.m. the *de-facto* complainant's daughter eloped with the petitioner herein. Hence, the complaint.

3. On perusal of the statement recorded under Section 164 of Cr.P.C. from the victim girl it reveals that, she fell in love with the petitioner and eloped to Chennai. Thereafter, they stayed together for three days and then she went to her parents house. There is no other allegations as against the petitioner.

4. Considering the above facts and circumstances of the case, and also the period of incarceration of the petitioner from the date of his arrest i.e. 06.06.2022, 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 blood related sureties, each for a like sum to the satisfaction of the **Special Court for Exclusive Trail of Cases Under POCSO Act,**



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Thiruvannamalai 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 4.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

[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.

15.07.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Special Court for Exclusive Trail of Cases under POCSO Act,
Thiruvannamalai.
- 2.The Inspector of Police,
Thandrampet Police Station,
Thiruvannamalai District.
- 3.Central Prison,
Vellore.
- 4.The Public Prosecutor,
High Court of Madras

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