



Crl.OP.No.20022 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2022

CORAM

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

Crl.OP.No.20022 of 2022

Sakthivel

...Petitioner

Vs.

State rep. by
Inspector of Police,
Thammampatti Police Station,
Salem District.
(Crime No.103 of 2022)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with Crime No.103/2022 pending investigation on the file of the Respondent Police.

For Petitioner :Mr.M.Sundaravadanam

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 02.06.2022 for the offences punishable under **Section girl missing @ Section 366 of IPC and Section 9 of Prohibition of Child**



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Marriage Act 2006 & Sections 5(l) read with 6 of POCSO Act 2012

in Crime No.103 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that petitioner fell in love with the victim girl aged about 17 years. The petitioner kidnapped the victim girl and had penetrative sexual assault on her. Hence, the complaint.

3. The petitioner fell in love with the victim girl. Thereafter, the parents of the victim girl compelled her to marry another person and as such, she eloped with the petitioner. They got married in the Sivan Temple at Thiruvannamalai and thereafter, they had physical relationship. On the complaint lodged by her parents, she was secured.

4. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e., 02.06.2022, 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)**



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with **two sureties**, each for a like sum to the satisfaction of the **Special Court for Exclusive Trial of Cases under POCSO Act, Salem District**, 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 5.30 p.m. for a period of six 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.

24.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Special Court for Exclusive Trial of Cases under POCSO Act,
Salem District.
- 2.The Inspector of Police,
Thammampatti Police Station,
Salem District.
- 3.Central Prison, Salem District.
- 4.The Public Prosecutor,
High Court of Madras

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