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CrI.O.P.No.24031 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HON'BLE MR. JUSTICE **SATHI KUMAR SUKUMARA KURUP**

CrI.O.P.No.24031 of 2022

Naveenkumar

... Petitioner

Vs.

State rep by its
The Inspector of Police,
Thammampatty Police Station,
Salem District.
Crime No.94/2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the Petitioner on bail in Crime No.94 of 2022 on the file
of the Inspector of Police, Thammampatty Police Station, Salem District.

For Petitioner : Mr.M.Senthil Kumar

For Respondent : Mr.S.Raja Kumar,
Additional Public Prosecutor



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 24.08.2022 for the offences punishable under Sections 366(A) of IPC, Section 9 of Prohibition of Child Marriage Act 2006 and Section 5(1) read with 6 of POCSO Act, 2012 in Crime No.94 of 2022 on the file of the respondent Police, seeks bail.

2. It is the case of the prosecution that due to love affair, the Petitioner had accompanied the A1 to kidnap the victim girl. Hence the complaint.

3. The learned Counsel for the Petitioner submitted that the Petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of bail to the Petitioner.

4. The learned Additional Public Prosecutor appearing for the Respondent submitted that the only allegation as against the Petitioner



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herein/A2 is that he had accompanied A1 to kidnap the victim girl.

However, he vehemently opposed for grant of bail to the Petitioner.

5. Heard the learned Counsel. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the Petitioner.

6. Accordingly, the Petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No-II, Attur, Salem District. Further, one of the sureties shall be a blood relative.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate No.II, Attur, Salem District obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.



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(b) the Petitioner shall report before the Respondent Police daily at 10.00 a.m., until further orders.

(c) the Petitioner shall not influence, threaten or coerce the 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 Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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mpl/vkr



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To

- 1.The Judicial Magistrate No.II,
Attur, Salem District.
- 2.The Inspector of Police,
Thammampatty Police Station,
Salem District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP.,J.

mpl/vkr

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