



Crl.O.P.No.24481 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.24481 of 2022

Murugan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Tharamangalam Police Station,
Salem.

(Crime No.395/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.395 of 2022 pending
investigation on the file of the respondent Police.

For Petitioner : Mr.C.Deepak Kumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.09.2022 for the offences punishable under Section Girl Missing @ 363 and 366 of IPC, in Crime No.395 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had kidnapped the minor daughter of the de-facto complainant from her legal guardianship. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is known to the victim girl and there was a friendship between them. He would further submit that when the de-facto complainant forced the victim to marry some one against her choice, the victim on her own volition had left the home. He would also submit that initially the case has been registered for girl missing and subsequently, on suspicion that the petitioner might have kidnapped her, the



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case was altered to one under Sections 363 and 366 of IPC. He would also submit that the petitioner is in custody from 14.09.2022 . Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner had kidnapped the minor victim girl of the de-facto complainant from her legal guardianship. He would also submit that the girl has been secured and he would also state that there is no allegation of sexual assault. However, he oppose for grant of bail.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts of the case and also considering the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Omalur**, 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 stay report before the respondent Police, everyday at 10.30 a.m., for a period of four weeks and thereafter, every Saturday at 10.30a.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 abscond, a fresh FIR



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can be registered under Section 229A IPC.

11.10.2022

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To

1. The Judicial Magistrate,
Omalur.
2. The Inspector of Police,
Tharamangalam Police Station,
Salem.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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