



Crl.O.P.No.27650 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

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

Crl.OP.No.27650 of 2022

1.Raj Vignesh
2.Naveen Kumar
3.Satheesh Kumar

... Petitioners

Vs.

State rep. By Inspector of Police,
Deevattipatti Police Station,
Salem District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Crime No.427 of 2022 pending
investigation on the file of the respondent.

For Petitioners : Mr.E.Kannadasan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 28.09.2022 for the offences punishable under Sections 366, 511 of IPC and 11(i), 12 of Protection of Children from Sexual Offences Act in Crime No.427 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioners had attempted to kidnap his minor daughter from the school. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners and the defacto complainant are neighbours. The defacto complainant, on suspecting that his daughter and the first petitioner are in love with each other and petitioners 2 & 3 are aiding to the first petitioner, had lodged a false complaint against the petitioners. He would submit that the petitioners were arrested on 28.09.2022 and he is in custody for the past 44 days. Therefore, he prays for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners had attempted to kidnap the minor girl from the school. He would submit that statement of the victim girl under Section 164 of Cr.P.C., has been recorded, wherein, she had stated that three unknown persons had attempted to kidnap her and there is no allegation as if the petitioners have committed sexual assault on her. However, he vehemently opposed to grant bail to the petitioners.

5. Heard both the learned counsel and perused the materials including the statement recorded from the victim girl under Section 164 of Cr.P.C.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that the statement recorded from the victim girl under Section 164 of Cr.P.C., this Court is inclined to grant bail to the petitioners.



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7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, out of which, one surety should be either father or mother of the petitioners, each for a like sum to the satisfaction of the **learned Sessions Judge, Principal, POCSO, Salem** 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 petitioners shall report before the **respondent daily at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 am until further orders;**

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 can be registered under Section 229A IPC.

11.11.2022

shk

To

1. The learned Sessions Judge, Principal, POCSO, Salem
2. The Inspector of Police,
Deevattipatti Police Station,
Salem District.
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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