



Crl.O.P.No.28193 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM

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

Crl.O.P.No.28193 of 2022

K.Mari

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
Chengalpattu Police Station,
Chengalpattu District.

(Crime No.467 of 2022)

... Respondent

Prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime
No.467 of 2022 dated 04.10.2022 on the file of the respondent Police.

For Petitioner : Mr.B.Balavijayan

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 09.10.2022, in Crime No.467 of 2022 registered for Girl Missing - Non Act and altered to the offences punishable under Section 366 (A) of IPC, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that his minor daughter XXXX aged about 16 years was found missing from his house. Based on his complaint, a case in Crime No.467 of 2022 was registered for Girl Missing and later, it was found that the victim girl was kidnapped by one Surya, thereafter, the case has been altered to one under Section 366 (A) of IPC. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner, aged about 21 years is an innocent person and he has been falsely implicated in this case, since he happens to be the friend of the first accused. He further submitted that there was a love affair between the first accused and the victim girl, thereby, they have eloped from their home and



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since the respondent was unable to find the whereabouts of the victim girl and A1, they have implicated the petitioner in this case. He also submitted that the victim girl has been secured and the petitioner also understands that even in the statement recorded from the victim girl, she had stated that the petitioner has facilitated them to escape from their home and other than that, there is no other allegation as against the petitioner, as if he had abused or made an assault on her. He also stated that the petitioner is in custody from 09.10.2022 and the similarly placed co-accused, who is the maternal uncle of A1, has also been granted with bail by this Court in Crl.O.P.No.27804 of 2022 vide order dated 14.11.2022 and thereby, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the accused have kidnapped the minor victim girl and the present petitioner being the friend of the main accused had abetted the main accused to kidnap the minor victim girl. He also submitted that the victim girl has been secured and the respondent Police are taking steps to record the statement under 164 Cr.P.C from the victim girl. He also stated



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that the co-accused has been granted bail by this Court in Crl.O.P.No.27804 of 2022 however, he oppose for grant of bail to the petitioner.

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 and circumstances of the case and the submissions made by the learned counsel that the co-accused has been granted bail by this Court and taking note of the averments in the complaint and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

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 - I, Kancheepuram**, and on further conditions that:



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[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, everyday at 10.30 a.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 can be registered under Section 229A IPC.

28.11.2022

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To

1. The Judicial Magistrate - I,
Kancheepuram.
2. The Inspector of Police,
Chengalpattu Police Station,
Chengalpattu District.
3. The Sub Jail,
Kancheepuram.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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