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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 22/11/2022

PRESENT

**The Hon`ble Mr.Justice A.A.NAKKIRAN**

CRL OP(MD). No.20605 of 2022

Selvam @ Arulselvam

... Petitioner/Accused No.2

Vs

State Rep.by  
The Inspector of Police,  
Nanguneri Police Station,  
Tirunelveli District.  
(Crime No.156 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar C, Advocate.  
For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.156 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 07.10.2022 for the offences punishable under Sections 366 (A) @ 366 @ 5(1), 6 of Protection of Children from Sexual Offences Act and 9, 10 Prohibition of Child Marriage Act, in crime No.156 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl is aged about 15 years and studying 10<sup>th</sup> standard. The defacto complainant is the mother of the victim girl. The petitioner is the friend of the A1. A1 fell in love with the victim girl. The marriage proposal was made by the family members of A1. But, that proposal was refused. In such circumstance, on 30.05.2022, at about 02.00 p.m, the defacto complainant was informed over phone that two persons have kidnapped her daughter while she returning back from school. Hence, the complaint.



3.The learned counsel for the petitioner would submit the petitioner is innocent and he has been falsely implicated in this case. He would further submit that this is the second bail application. Earlier bail application filed by the petitioner in CrIOP(MD)No.19437 of 2022 was dismissed by this Court, on 03.11.2022. The petitioner is the friend of A1. Except the allegation that he helped the elopement, no other allegation has been made against him. The petitioner is in judicial custody from 07.10.2022. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that 164 statement of the victim girl was recorded and 7 witnesses have been examined. Considering the gravity of the offence, he strongly opposed to grant bail.

5.Considering the period of incarceration and also considering the facts that 164 statement was recorded and 7 witness have been examined, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and 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 each for a like sum to the satisfaction of the learned Judicial Magistrate, Nanguneri.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial.

(v)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].

sd/-

22/11/2022

/ TRUE COPY /

22/11/2022

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

## WEB COPY

- 1 THE JUDICIAL MAGISTRATE, NANGUNERI.
  - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
  - 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
  - 4 THE INSPECTOR OF POLICE, NANGUNERI POLICE STATION,  
TIRUNELVELI DISTRICT.
  - 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.C.SUSI KUMAR, Advocate ( SR-13466[I] dated 22/11/2022 )

ORDER  
IN  
CRL OP(MD) No.20605 of 2022  
Date :22/11/2022

DSS  
RS/SSS/SAR. (22.11.2022) 3P-7C