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Crl.O.P.No.13763 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.06.2023

CORAM:

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

Crl.O.P.No.13763 of 2023

Abdhul Munap @ Yunash

... Petitioner

/versus/

The State Represented by
The Inspector of Police,
All Women Police Station,
Ranipet.
(Crime No.07 of 2023)

... Respondent.

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the above crime number 7 of 2023 on the file of the respondent police.

For petitioner : Mr.P.Balamurugan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.04.2023, in connection with Crime No.7 of 2023



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registered under Sections 366A, Section 7 r/w 8 of POCSO Act, 2021 and Section 67 of IT Act on the file of the respondent Police, seeks bail. 2.

The case of the prosecution as per the de-facto complainant Mubarak Basha is that the accused who is residing in the same village and he is a married man, had compelled her minor daughter to marry him and also taken photographs along with her and threatened her daughter. It is further alleged that on 20.04.2023, after she had completed her exams, the accused had kidnapped her minor daughter in his motorcycle. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given. He further submitted that the petitioner had given a lift to the victim girl from school and the family members of the victim had misunderstood that the petitioner was having a love affair with the victim and they have given a false complaint. He would further submit that ever as per the complaint, the defacto complainant has alleged that the petitioner had compelled the victim girl to be his second wife and other than the allegation of taking the victim in his motorcycle, there is no allegation of sexual assault. He further submitted that the petitioner is in



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custody from 25.04.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent Police submitted that the petitioner is a married man. While the victim was coming from school, the petitioner had pulled the victim into her house and compelled her to marry him and he has also taken photographs with her and later threatened her saying that he would upload the photographs in the social media and also on 24.04.2023 after the victim girl's exam was over, the petitioner had kidnapped the victim girl in his motorcycle. Hence, he opposed 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 including the statement of the victim girl under Section 164 of Cr.P.C.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Special Judge for Exclusive Trial of Cases under POCSO Act,2012, Vellore , Vellore District** 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 at Trichy and report before the Inspector of Police, Palakarai Police Station, Trichy every day 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



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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.

Vv

21.06.2023

To

- 1.The Special Judge for Exclusive Trial of Cases under POCSO Act,2012,
Vellore , Vellore District
- 2.The Inspector of Police,
All Women Police Station,
Ranipet.
- 3.The Central Prison,
Vellore.
- 4.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA,J.

Vv

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