



CrI.OP.No.17536 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.OP.No.17536 of 2023

Navinraj

...Petitioner

Vs.

The State Rep by its
The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi.
(Cr.No.306 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concern in Crime No.306 of 2023 on the Inspector of Police, Ulundurpet Police Station at Kallakurichi.

For Petitioner : Mr.R.Parthiban

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.05.2023 for the offences punishable under Sections Girl Missing @ under Section 366 of I.P.C. r/w 4 of POCSO Act, 2012 in Crime No.306



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of 2023 on the file of the respondent police, seeks bail.

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2.The learned counsel for the petitioner submitted that petitioner was in love with the victim girl. He is falsely implicated as an accused in Crime No.306 of 2023 for the offences punishable under Section Girl Missing @ under Section 366 of I.P.C. r/w 4 of POCSO Act, 2012. He is in judicial custody from 23.05.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Additional Public Prosecutor submitted that victim girl is aged sixteen years and petitioner is aged nineteen years. They loved each other and got married. Section 164 Cr.P.C. statement of the victim girl was recorded and medical examination is also over.

4.Considered the rival submissions and perused the records.

5.Section 164 Cr.P.C. statement of victim girl shows that she was in love with petitioner and married him. After marriage, she went to Senji and therefore her family members gave a complaint. She has not said



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anything about sexual assault alleged to have been committed by the petitioner against her. Petitioner is in judicial custody from 23.05.2023, and that material part of investigation in this case might have been completed. Thus, this Court is inclined to grant bail to the petitioner with conditions.

6. 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 **Special Court for Exclusive Trial of Cases under the POCSO Act, Villupuram**, 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 report before the respondent Police daily 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



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

1.The Special Court for Exclusive Trial of
Cases under the POCSO Act, Villupuram.

2.The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi.

3.Cental Prison, Cuddalore.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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