



Crl.O.P.No.18043 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM

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

Crl.O.P.No.18043 of 2023

S.Anbarasan

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Tirukoilur Police Station,
Villupuram District.
Crime No.282 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to grant bail to the petitioner in Crime No.282 of 2023 on the file of the respondent police.

For Petitioner : Mr.S.Esakkimuthu

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.06.2023 for the offence punishable under the caption “Girl Missing” @ Sections 366, 342 IPC r/w 5(1), 6 of POCSO Act and 9 and 10 of Child Marriage Act 2006 in Crime No.282 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as accused in Crime No.282 of 2023. Petitioner is innocent. Petitioner is in judicial custody from 02.06.2023. He further submitted that petitioner was in love with the victim girl. Therefore, at the instance of her mother, this case was originally registered under the caption “Girl Missing” and then altered into Sections 366, 342 IPC r/w 5(1), 6 of POCSO Act and 9 and 10 of Child Marriage Act 2006. Therefore, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor, opposed this petition, on the ground, it is case of love affair and elopement. The statement of the victim girl under Section 164 Cr.P.C was recorded and she did not say



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anything in her statement.

3.1. It is seen from the first information report that, defacto complainant namely mother of the victim girl gave a complaint, alleging that, her daughter was missing from the night of 09.05.2023. Subsequently, this case was altered under Sections 366, 342 IPC r/w 5(1), 6 of POCSO Act and 9 and 10 of Child Marriage Act 2006. The statement of the victim girl recorded under Section 164 Cr.P.C shows that, when victim girl was asked about her willingness to give statement, she responded saying that, she did not want to give any statement. Thus, he prays for dismissal of this petition.

4 . Considering the fact that, as of now, there is no incriminating material available against the petitioner and that petitioner is in judicial custody from 02.06.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner with conditions and the petitioner is ordered to be released on bail on their 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



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satisfaction of the **learned Judicial Magistrate, Tirukoilur,**

Villupuram 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 report before the respondent police daily morning 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 absconds, a fresh FIR can be registered under Section 229A IPC.



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To

- 1.The Judicial Magistrate, Tirukoilur, Villupuram District.
- 2.The Inspector of Police,
Tirukoilur Police Station,
Villupuram District.
- 3.Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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