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CrI.O.P.No.27310 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.27310 of 2023

S.Sakthi

...Petitioner

Vs.

The Inspector of Police,
All Women Police Station,
Kallakurichi,
Kallakurichi District.
(Crime No.19 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.19 of 2023 on the file of the respondent police.

For Petitioner : Mr.T.Balachandran

For Respondent : Mr.R.Kishore Kumar
Government Advocate (CrI.Side)

ORDER

The petitioner in Crime No.19 of 2023 registered by the respondent Police for the offences under Section Girl Missing @ under Section 344 IPC r/w Section 5 (1) and 6 of POCSO Act and remanded to judicial custody on 23.10.2023 seeks bail.



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2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

3.It is stated that the petitioner had kidnapped the victim child on 29.06.2023. Both the victim child and the petitioner are from the same village. The statement of the victim child had been recorded under section 164(5) Cr.P.C. The copy of the same had also been forwarded to this Court. I have also perused it.

4.Taking all the factors into consideration, the period of incarceration and the other surrounding factors, this Court is inclined to grant bail to the petitioner subject to the following conditions.

5. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 **District Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act at Villupuram District**, 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 10.00 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.

12.12.2023

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C.V.KARTHIKEYAN, J.

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To

1. The District Sessions Judge,
Special Court for Exclusive Trial of Cases
under POCSO Act at Villupuram District.
- 2.The Inspector of Police,
All Women Police Station,
Kallakurichi,
Kallakurichi District.
(Crime No.19 of 2023)
- 3.Central Prison, Villupuram.
- 4.The Public Prosecutor, Madras High Court.

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