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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.7591 of 2023

Tharankumar,

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
(Crime No.97/2023).

... Respondent/Complainant

For Petitioner : M/s.Jeyakumar.B,Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Cr No.97/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner /sole accused who was arrested and remanded to judicial custody on 15.03.2023 for the offence under section 366 of IPC @7,8 of POCSO Act in Crime No.97 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner herein kidnapped the minor victim and had taken her to the vaigai dam and kissed her , hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report including the statement of the victim recorded under section 164 of Cr.P.C.

4. A perusal of the recorded under section 164 of Cr.P.C., reveals the fact that both had love affair and they went to Vaigai Dam while they were proceeding in the two wheeler the victim

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was secured. Taking into consideration the facts and circumstances made by the learned counsels and also the period of incarceration this court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Aundipatti and on further conditions that:

[b] the petitioner shall file an undertaking affidavit before the respondent police that he will not disturb the victim girl in future and he violates the said undertaking the respondent police is at liberty to secure the petitioner and proceed in accordance with law.

[c] 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.

[d] the petitioner shall report before the respondent police daily at 10.30 A.M. and 5.30 P.M., for a period of two weeks and thereafter as and when required for interrogation.

[e] the petitioner shall not commit any offences of similar nature.

[f] the petitioner shall not abscond either during investigation or trial.

[g] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[h] On breach of any of the aforesaid conditions, the learned Judicial 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].

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
24/04/2023

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24/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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1 THE JUDICIAL MAGISTRATE,
AUNDIPATTI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE OFFICER INCHARGE
SUB JAIL, PERIYAKULAM, THENI

4 THE INSPECTOR OF POLICE
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.JEYAKUMAR.B, Advocate (SR-6410[I] dated 24/04/2023)

ORDER

IN

CRL OP(MD) No.7591 of 2023

Date :24/04/2023

PKP/VR/SAR- /24.04.2023/ **3P/7C**