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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/06/2023

PRESENT

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

CRL OP(MD). No.10739 of 2023

Nanthakumar

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thirukokaranam Police Station,
Thirukokarnam,
Pudukkottai District.
Cr.No.86/2023.

... Respondent/Complainant

For Petitioner : M/s.Selvakumar V, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

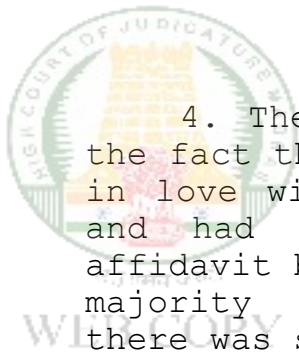
For Bail in Crime No.86/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused who was arrested and remanded to judicial custody on 09.04.2023 for the offences under sections Girl Missing @ 363 of IPC and sections 5(1) r/w.6(1) of POCSO Amendment Act, 2019 in Crime No.86 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner had kidnapped the victim girl from the custody of the parents and had taken her to his native place and committed penetrative sexual assault on her, hence the case.

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



4. The statement recorded under section 164 of Cr.P.C. is the fact that the victim girl is aged about 17 ½ years and she fell in love with the victim girl and they both eloped to Coimbatore and had physical relationship. The petitioner also filed an affidavit before this Court stating that whenever the victim attains majority he is ready and willing to marry the victim. In fact there was small dispute between both the families.

5. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration and also the undertaking affidavit dated 15.06.2023 filed by the petitioner 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 Sessions Judge, Mahila Court, Pudukottai and on further conditions that:

[b] 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.

[c] the petitioner after coming out from prison whenever the victim attains majority shall register the marriage before the concerned Registrar Officer and produce the marriage Registration certificate before the concerned police and trial Court. Further if he violates the said condition and refuse to register the marriage with the victim girl the bail granted to the petitioner shall stand cancelled and the respondent police is at liberty to secure the petitioner and proceed in accordance with law.

[d] the petitioner shall report before the respondent police daily at 10.30 A.M. for a period of three 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 [SCW 5560]. [R

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

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6. The affidavit filed by the petitioner dated 15.06.2023 shall form part of the court records.

sd/-

16/06/2023

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16/06/2023

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

AAV

TO

- 1 THE SESSIONS JUDGE, MAHILA COURT, PUDUKOTTAI.
- 2 THE OFFICER INCHARGE, DISTRICT JAIL, PUDUKOTTAI.
- 3 THE INSPECTOR OF POLICE, THIRUKOKARANAM POLICE STATION,
THIRUKOKARNAM, PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.10739 of 2023

Date :16/06/2023

RS/SSS/SAR-(16.06.2023) 3P 5C