



CrI.O.P.No.3963 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM

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

CrI.O.P.No.3963 of 2024

Nambi Narayanan @ Nambi

...Petitioner/A3

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
East Coimbatore,
Coimbatore District.
(Crime No.2 of 2022).
...Respondent/Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.2 of 2022 on the file
of the respondent police.

For Petitioner : Mr.S. Seenuvasan

For Respondent : Mr.L.Baskaran
Govt. Advocate (CrI. Side)



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ORDER

The petitioner / A3, who was arrested and remanded to judicial custody on 30.12.2023 for the offences punishable under Sections 457, 363, 365, 387, 420, 109 of IPC and Section 12 r/w Sections 11(iv), 17 r/w Section 16 of POCSO Act, 2012 in Crime No.2 of 2022 on the file of the respondent, seeks bail

2.It is the case of the defacto complainant that her daughter is aged 13 years. She engaged the 1st accused to drive the car. It is stated that thereafter, the 1st accused did not turn up duty, but the car and gold and silver jewels were missing and also the victim child was also missing.

3.It the case of the prosecution that all the accused taken away the victim child, but later she had been rescued.

4.The specific overt act as against the petitioner is that, he was one of the drivers of the car. It is stated that A1 and A2 had been granted bail



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under Section 167(2) Cr.P.C., and substantial progress has been made in the investigation. The statements under Section 164(5) Cr.P.C., of the victim child has also been recorded.

5.Taking all the factors into consideration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.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 learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, 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 everyday 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.



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[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.

14.03.2024

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To

- 1.The Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.
2. The Central Prison, Coimbatore.
- 3.The Inspector of Police,
All Women Police Station,
East Coimbatore,
Coimbatore District.
- 4.The Public Prosecutor,
High Court of Madras.

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