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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.8505 of 2024

Vijay

... Petitioner

Vs.

State Rep by.
The Inspector of Police
Deevattipatty Police Station,
Salem District.
Crime No. 63 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail concerned in crime No. 63 of 2024
pending on the file of the respondent police.

For Petitioner : Mr.M.Sivakumar
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.02.2024 for the alleged offences punishable under Sections Section 366 IPC and Sections 5(l), 6 & 7 r/w 8 of POCSO Act, 2012 in **crime No. 63 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stating that his daughter was taken away by the petitioner. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. On the other side, the learned Government Advocate (Crl. side) submits that the statement under Section 164 Cr.P.C was recorded.

4. As per the statement of the victim girl under section 164 Cr.P.C., it reveals that the victim has eloped with the petitioner with her own consent and had sexual intercourse with himq. Hence, this Court is inclined to grant bail to the petitioner with the following conditions:



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5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Principal Special Court for Exclusive Trial of cases under POCSO Act, Salem**, 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 as and when required for interrogation;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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T.V.THAMILSELVI,J.

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To

1. The **Principal Special Court for Exclusive Trial of cases under POC SO Act, Salem.**

2. The Inspector of Police
Deevattipatty Police Station,
Salem District.

3. The Central Prison, Salem

4. The Public Prosecutor,
High Court of Madras.

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