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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.8587 of 2024

David

... Petitioner

Vs.

State Rep by.
The Inspector of Police
AWPS Harur,
Dharmapuri District.
Crime No. 28 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in crime No.
28 of 2023 on the file of the respondent police.

For Petitioner : Mr.J.Pradeep
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 **28.02.2023** for the alleged offences punishable under Sections Section 363, 366 IPC and Section 3 r/w 4 of POCSO Act, 2012 and Section 9, 11 of Prohibition of Child Marriage Act, **in crime No. 28 of 2023** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner kidnapped the victim girl and married her in the presence of A4 and A5. Hence, the case.

3. Heard both sides.

4. Considering the facts of the case, the statement under Section 164 Cr.P.C has been recorded and the investigation is at final stage. Hence, this Court is inclined to grant bail to the petitioner with the following conditions:

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 Sessions Judge, The Special Court for Exclusive Trial of cases under POCSO Act, Dharmapuri**, 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 on every Saturday at 10.30 a.m for a period of three months and thereafter 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



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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 Sessions Judge, the Special Court for Exclusive Trial of cases
under POCSO Act, Dharmapuri.**

2. The Inspector of Police
AWPS Harur,
Dharmapuri District.

3. The Central Jail, Salem

4. The Public Prosecutor,
High Court of Madras.

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