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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM

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

Crl.O.P.No.9222 of 2024

Gowsh Basha

... Petitioner

Vs.

State Rep by.
The Inspector of Police
Gudiyatham Taluk Police Station,
Gudiyatham, Vellore District.
Crime No. 2 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner pending investigation in crime No. 2 of
2024 on the file of the Inspector of Police Gudiyattam Taluk Police Station,
Gudiyatham, Vellore District.

For Petitioner : Mr.Vinodh kumar
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 13.02.2024 for the alleged offences punishable under Sections Section 363, 366 IPC and Sections 5(1), 6 of POCSO Act, 2012 **in crime No. 2 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 on 30.12.2023 the victim was missing. Thereafter, the victim returned to his parent to his house. Hence, the case.

3. Heard both sides.

4. The statement of victim girl under Section 164 Cr.P.C has been recorded, wherein, she stated that the petitioner is her close relative and she had love affair with the petitioner and with her consent both of them went to Bangalore on 30.12.2023 and thereafter returned to her house. Considering the above, the victim girl is eloped with the petitioner with her own consent and the victim girl is handed over to the parents. Hence, this Court is inclined



to grant bail to the petitioner.

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 Special judge for Exclusive Trial of Cases under POCSO Act, Vellore**, 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 stay at Cuddalore and report before the Cuddalore Town Police Station daily at 10.30 a.m for a period of two months and thereafter as and when required for interrogation and shall not have any communication with the victim girl;

[c] the petitioner shall not abscond either during investigation or trial;



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[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.

16.04.2024

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T.V.THAMILSELVI,J.

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To

1. The **Special judge for Exclusive Trial of Cases under POCSO Act, Vellore.**

2. The Inspector of Police
Gudiyatham Taluk Police Station,
Gudiyatham, Vellore District.

3. The Central Prison, Vellore.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.9222 of 2024

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