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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.9254 of 2024

Mohammed Farkhan

... Petitioner

Vs.

State Rep by.
The Inspector of Police
Tiruppur North Police Station,
Tiruppur City.
Crime No. 264 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in crime No. 264 of 2024 on the file
of the respondent police.

For Petitioner : Mr.Franklin J
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 23.02.2024 for the alleged offences punishable under Sections Section 363, 366(A) IPC and Sections 5(l), 6 and 16(ii) (iii) read with Section of 17 POCSO Act, 2012 **in crime No. 264 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 her girl was missing. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He prays to allow this petition.

4. The learned Government Advocate submitted that initially girl missing complaint was given by the defacto complainant and thereafter the respondent police came to know that the out of love affair the victim girl was eloped with the petitioner. Thereafter, the victim was secured and handed over to the defacto complainant.



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5. The statement of victim girl under Section 164 Cr.P.C has been recorded, wherein, she stated that the petitioner has not misbehaved with her on the date of alleged occurrence and the investigation is completed. 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 Sessions Judge, Mahalir Neethimandram, (FTMC) Tiruppur**, 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 and shall not have any



communication with the victim girl;

[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 **Sessions Judge, Mahalir Neethimandram, (FTMC) Tiruppur.**
2. The Inspector of Police
Tiruppur North Police Station,
Tiruppur City.
3. The Central Prison, Coimbatore.

4. The Public Prosecutor,
High Court of Madras.

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