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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM

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

Crl.O.P.No.18139 of 2024

Nasinkumar

... Petitioner

Vs.

State Rep by.
The Inspector of Police
Morappur Police Station,
Dharmapuri District.
Crime No. 128 of 2024

... 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.
128 of 2024 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 18.06.2024 for the alleged offences punishable under Sections **366 IPC and 3, 4 of POCSO Act, in crime No. 128 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner kidnapped and married the victim girl. Hence, the case.

3. The learned counsel for the petitioner submits that out of love affair the victim girl eloped with the petitioner. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that the statement of the victim girl has been recorded. However, he raised objection to grant bail.

5. Considering the facts of the case, the statement of the victim girl has been recorded under Section 164 Cr.P.C, wherein, victim girl stated that she had love affair with the petitioner but her parents arranged marriage with another man. thereby, she eloped with the petitioner. Considering the above, this Court is inclined to grant bail to the petitioner.



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6. 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 The Sessions Judge, The special Court of 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., until further order.

[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.

30.07.2024

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T.V.THAMILSELVI,J.

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To

1. The **The Sessions Judge, The special Court of Exclusive Trial of cases under POCSO Act, Dharmapuri.**

2.The Inspector of Police
Morappur Police Station,
Dharmapuri District.

3. The Central Jail Salem.

4. The Public Prosecutor,
High Court of Madras.

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