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CRL O.P. No.21953 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.09.2024

CORAM

The Hon`ble Mr.Justice P.DHANABAL

CRL OP.No.21953 of 2024

Ebinesar

.... Petitioner

Vs.

The State rep by its,
The Inspector of Police,
Nannilam Police,
Tiruvarur.

... Respondent

PRAYER:- The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No. 230 of 2024 on the file of the respondent police.

For Petitioner : Mr.D. Padmanabhan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



CRL O.P. No.21953 of 2024

ORDER

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The petitioner/accused, who was arrested and remanded to judicial custody on 09.08.2024 for the offence punishable under Section 137(2) of BNS, 11(iv) r/w section 12 of POCSO Act in Crime No.230 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the daughter of the defacto complainant was kidnapped and married by the petitioner. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submits that the petitioner and daughter of the defacto complainant already had love affair and based on the compulsion of the daughter of the defacto complainant, the petitioner took and married her. The petitioner has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide



CRL O.P. No.21953 of 2024

by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioner. The learned counsel for the petitioner also submitted that in the petition there are some typographical errors and correct offenses are under Section 137(2) of BNS, 11(iv) r/w section 12 of POCSO Act and under section 5(1) r/w section 6 of POCSO Act.

4. The learned Government Advocate (Crl.Side) would submit that daughter of the defacto complainant was kidnapped and married by the petitioner and further, considering the gravity of offence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard both side counsels and perused the materials available on record.

6. Considering the representations made by both sides and nature of offences charged against the petitioner and also considering the fact that there is love affair between the petitioner and the victim and already



CRL O.P. No.21953 of 2024

statement of the victim under section 183 of B.N.S.S was recorded and this Court also perused the statement of the victim and no previous case is pending against the petitioner and also considering the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **Learned Sessions Judge, Fast Track Mahila Court, Tiruvarur** and on further conditions that:

[b] the petitioner shall report before the Sessions Court, Fast Track Mahila Court, Tiruvarur on every Monday at 10.30 A.M. for a period of four weeks.

[c] the petitioner shall attend in accordance with the conditions of the bond.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of



CRL O.P. No.21953 of 2024

which he is suspected.

WEB COPY

[f] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

26.09.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
nsl



WEB COPY



CRL O.P. No.21953 of 2024

P.DHANABAL,J

ns1

To

1. The Sessions Judge, Fast Track Mahila Court, Tiruvarur.
2. The Inspector of Police,
Nannilam Police,
Tiruvarur.
3. Sub-Jail, Nagapattinam.
4. The Government Advocate (Crl.Side), High Court, Madras.

CRL.OP.No.21953 of 2024

26.09.2024