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CrI.O.P.No.23200 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.23200 of 2024

Jayaprakash

...Petitioner/sole Accused

Vs.

The State rep by
The Inspector of Police,
Kandili Police Station
Tirupattur District
(Crime No.440 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in Cr.No. 440 of 2024 on the file of the respondent police.

For Petitioner : Mr. M. Sathish Kumar

For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI. Side)



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ORDER

The petitioner, who was arrested on 24.08.2024 and remanded to judicial custody on the same day for the offences under Sections 137(2) of BNS @ 137(2) and 87 of BNS Act, read with Section 5(1) & 6(1) of the POCSO Act 2012 read with Section 9 of Child Marriage Act, in Crime No. 440 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had kidnapped the defacto complainant's daughter, aged about 17 years. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case and he is a law-abiding citizen and he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) objected for granting



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bail to the petitioner stating that the petitioner had kidnapped the defacto complainant's daughter, aged about 17 years and there is no previous case against the petitioner and the investigation has been completed and the final report has also been filed.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made on both sides, and also taking into consideration the period of incarceration undergone by the petitioner and also the investigation has been completed and the final report has also been filed, this Court is inclined to grant bail to the petitioner with certain conditions:

[a]. 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, each for a like sum to the satisfaction of the court of *Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Vellore*, and on further conditions that:

[b] the petitioner shall report before POCSO Court on all working days at 10.30 a.m. until further orders;



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

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

[e] The petitioner shall not abscond either during investigation or trial;

[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 evidence;

[g] 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



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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]; and

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

24.09.2024

vsg

To

1. Special Court for Exclusive Trial of Cases under POCSO Act, 2012,
Vellore

2. Central Prison, Vellore.

3. The Inspector of Police,
Kandili Police Station
Tirupattur District.

4. The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

vsg



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