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CRL O.P. No.26539 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.26539 of 2024

Vijay

... Petitioner / Sole accused

Vs

State rep. by
The Inspector of Police,
All Women Police Station,
Sangagiri,
Salem District.
(Crime No.12 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.12 of 2024 on the file of the respondent police.

For Petitioner : Mr.T.Muruganantham

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 23.09.2024, for the offences punishable under Section 366 of IPC and Sections 5(1) and 6 of POCSO Act in Crime No.12 of 2024, on the file of the respondent seeks bail.

2.The case of the prosecution is that the petitioner is aged about 19 years and the victim is aged about 16 years. The petitioner and the victim were in love with each. On the date of occurrence, the petitioner kidnapped the victim girl and knowing that the parents of the victim girl were searching for them, he dropped the victim near her relative house. Hence, the case.

3.The learned counsel for the petitioner would submit that it the case of love affair and the petitioner is innocent and he has been falsely implicated in this case. He would submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4.The learned Government Advocate (Crl. Side) would submit that that the petitioner has allegedly kidnapped the victim girl and knowing that the parents of the victim girl were searching for them, later dropped the victim near her relative house. The statement of the victim girl under Section 183 BNSS was also recorded. Hence, he vehemently opposed for grant of bail to the petitioner.

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

6. Considering the nature of offence and there is a love affair between the petitioner and the victim girl and no previous case is pending against the petitioner and already the statement of the victim under Section 183 of BNSS was recorded and this Court also perused the statement of the victim and also considering all other aspects, this Court is 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



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Thousand only) with two sureties each for a like sum to the satisfaction of the **Special Court for Exclusive Trial of Cases Under POCSO Act , Salem** and on further conditions that;

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

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] 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;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] 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]; and

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

24.10.2024

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To

- 1.The Special Judge,
Special Court for Exclusive Trial of Cases Under POCSO Act , Salem.
- 2.Central Prison, Salem.
- 3.The Inspector of Police,
All Women Police Station,
Sangagiri,
Salem District.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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