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Crl.O.P.No.29733 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.29733 of 2024

Prethuyunan

... Petitioner

Vs.

State rep. by the Inspector of Police,
Madathukulam Police Station.
Madathukulam, Tiruppur District.
(Crime No. 204 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with **Crime No.204 of 2024**, pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of **Crime No.204 of 2024** registered under "Girl Missing" later altered to Sections 137(2) of BNS & under Section 3(a) r/w. Sections 4(1), 16 r/w. Section 17 of POCSO Act, is on board for consideration.



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2. The case of the prosecution is that, on the complaint given by one Chitra that, xxxxx minor aged about 16-years was found to be missing from 03.10.2024 and a case in Crime No.204 of 2024 came to be registered for 'Girl missing'. Later, during the course of investigation, it came to light that the accused along with his friends had abducted the minor victim girl and taken her to the hotel and committed penetrative sexual assault on her. Hence the case.

3. The incarceration of the petitioner being from 13.10.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He would submit that the victim girl became friends with the accused and she had come out of the house and refused to go to her house, thereby, the petitioner along with his friends and the victim girl stayed in a hotel room, during such time, the petitioner without understanding the consequences had physical affair with the victim girl. He would submit that the petitioner is 21-years old, and later coming to know about the registration of the case, the petitioner had surrendered before the respondent police. He would submit that major part of the investigation is over. He would further submits that the petitioner is ready to abide by any stringent condition that



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may be imposed by this court.

4. The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, submits that the petitioner along with his friends abducted the minor victim girl and committed penetrative sexual assault. He would further submit that the victim girl has now been secured and statement of the victim girl under Section 183(5) of BNS has been recorded.

5. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the statement from the victim girl under Section 183(5) of BNS, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Mahalir Neethimandram, 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



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the Inspector of Police, Udumalpet Police Station, Tiruppur District, everyday at 06.30 p.m., for a period of two weeks and thereafter, on everyday Saturday at 10.30 a.m., until further orders;

[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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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To

1. The Mahalir Neethimandram, Tiruppur.
2. The Inspector of Police,
Madathukulam Police Station.
Madathukulam, Tiruppur District.
3. The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
4. The Superintendent,
Central Prison, Coimbatore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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