



Crl.O.P.No.30742 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM

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

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Goutamkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Hasthampatty Police Station,
Salem District.
(Crime No.273 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.273 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Parthasarathy

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

ORDER

Petition seeking bail in respect of Crime No.273 of 2024 registered for the offences punishable under Sections 87 of BNS, Section 9 of Protection of Child Marriage Act, 2006 and Section 5(1) read with Section 6 of POCSO Act,



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2012 is on board for consideration.

2. The incarceration of the petitioner being from 26.09.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the petitioner and the victim girl are known to each other and there was a love affair between them, since it came to the knowledge of the family members, they have harassed the victim girl and thereby the victim had come out of the house along with the petitioner and they had without understanding the consequences, travelled to Andhra Pradesh and from there to Rajasthan, during such time, they were involved in physical relationship. He further submits that the victim is now at the verge of attaining majority. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that based on the complaint given by one Vasanthlah that his minor daughter xxxx aged about 17 years was missing, a case in Crime No.273 of 2024 was registered, later during the investigation, it was found that the accused had kidnapped the minor victim girl and taken her to various place and committed



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penetrative sexual assault on her.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and taking note of the nature of allegation, 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 his 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 **Judicial Magistrate No.III, Salem**, 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 stay at Vellore and report before the Inspector of Police, Vellore Sathuvachari Police Station everyday at 10.30.a.m., until further orders. It is made clear that the petitioner shall not enter into the jurisdictional limit of the respondent police station until further orders.



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[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. Judicial Magistrate No.III, Salem.
2. The Inspector of Police,
Hasthampatty Police Station,
Salem District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Vellore Sathuvachari Police Station.



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A.D.JAGADISH CHANDIRA.,J.

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