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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.850 of 2024

Vimal

... Petitioner/Sole Accused

Vs

The State represented by its
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
Crime No551 of 2023.

... Respondent/Complainant

For Petitioner : Mr.P.Surliraja
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor.

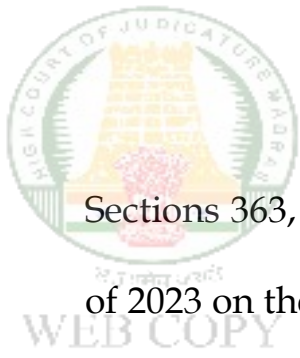
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For bail in Crime No.551 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Sole Accused, who was arrested and remanded to judicial



Sections 363, 323, 506(i) IPC r/w 11(1), 11(4) and 12 of POCSO Act, in Crime No.551 of 2023 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 14.11.2023, due to love affair, the minor girl was kidnapped by the petitioner. Thereby, the father of the defacto complainant made a complaint before the Law Enforcing Agency. Initially, the case was registered as 'Girl Missing' and thereafter, it was altered into Sections 363, 323, 506 (i) IPC r/w 11(1), 11(4) and 12 of POCSO Act.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that it is purely a love affair between the petitioner and the victim girl and there is no sexual assault. Further, the petitioner is in judicial custody from 06.12.2023. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that no serious allegation has been made against the petitioner in the statement of the victim girl recorded under Section 164 Cr.P.C.,

5. On perusal of statement of the victim girl recorded under Section 164 Cr.P.C., no serious allegation has been made against the petitioner. Further, the petitioner and the victim girl fell in love and ran away from the home. Thereafter, she was secured and there was no sexual harassment. Hence, this court is inclined to



grant bail to the petitioner, subject to the following conditions:

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7. 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 Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur, 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 is directed to appear before the respondent police daily at 10.30 a.m., until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/01/2024

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19 /01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss
TO

1. The Judge,
The Principal Special Court for Exclusive Trial of Cases under POCSO Act,
Thanjavur
 2. The Superintendent,
Central Jail, Trichy.
 - 3.The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S.SURLIRAJA P Advocate SR.No.843



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ORDER
IN
CRL OP(MD) No.850 of 2024
Date :19/01/2024

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