



CRL OP(MD). No.3112 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Nambi @ Nambirajan

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
Crime No.70 of 2019.

... Respondent/Complainant

For Petitioner : Mr.C.Susikumar, Advocate.

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

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

PRAYER :-

To enlarge the Petitioner on bail in Spl.C.C.No.289 of 2019 on the file of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli dated 22.2.2024.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who is facing trial for the alleged offence punishable under Sections 366(A) IPC @ Sections 366(A), 376(2) (n) IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 @ Sections 366, 376(2) (n)

IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 in

<https://www.mhc.tn.gov.in/judis>



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Spl.C.C.No.289 of 2019 on the file of the learned Sessions Judge, Special Court for
POCSO Act Cases, Tirunelveli, seeks bail.

2. The case of the prosecution is that the petitioner is said to have kidnapped the victim girl with an intention to marry her. Further, it is alleged that the petitioner is said to have stay with the victim girl for two days and had a physical relationship with her. Subsequently, the victim girl was secured and based on her complaint, the case came to be registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and hence, he prayed for bail.

4. The learned Additional Public Prosecutor appearing for the respondent-Police would submit that already NBW was issued against the petitioner and thereafter, he was arrested and remanded to judicial custody on 12.02.2024.

5. Heard the learned counsel on either side.

6. It appears that the petitioner was unable to appear before the concerned Court and pursuant to the non bailable warrant, he was arrested and remanded to judicial custody on 12.02.2024.

7. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this court is inclined to grant bail to



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the petitioner, subject to the following conditions:

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8. 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 learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli 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 trial Court for each and every hearing dates, failing which, the bail granted by this Court shall stand automatically cancelled;

(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;



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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

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229-A IPC.

sd/-
28/02/2024

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28/02/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

- 1 THE SESSIONS JUDGE, SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI DISTRICT.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 3 THE INSPECTOR OF POLICE, KALAKKAD POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.3112 of 2024
Date :28/02/2024

RS//SAR-(28.02.2024) 4P 5C
Madurai Bench of Madras High Court is issuing
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