



CRL OP(MD). No.7915 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.7915 of 2024

Jayaprakash

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Bodkinayakkanur Taluk Police Station,
Theni District.
(Crime No.415 of 2023.)

... Respondent/Complainant

For Petitioner : Mr.D.Rajaboopathy, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime no.415 of 2023 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioner, who was arrested on 16.04.2024 in connection with a Girl Missing-Non Act @ Section 366 of IPC and Sections 5(l) r/w 6 of POCSO Act, 2012 in Crime No.415 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 05.10.2023, the petitioner kidnapped the victim girl by promising to marry her and had also sexually harassed her. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner and the victim are relatives and they loved each other and the victim on her own volition, went along with him. He further submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and he is languishing in jail for the past 42 days.

4.The learned Additional Public Prosecutor for the respondent strongly opposed to grant bail on the ground that the petitioner kidnapped the victim girl by giving false promise to marry her and had also sexually harassed her. He has also produced the statement of the victim girl recorded under Section 164 of Cr.P.C.

5.In the statement recorded under Section 164 Cr.P.C., the victim girl stated that she had a love affair with the petitioner for the past two years and on her own volition, she went along with the petitioner.



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6. Taking into consideration of the facts and circumstances of the case, the period of incarceration and also the statement given by the victim that on her volition, she went along with the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on the following conditions:-

i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Theni;

ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii) The petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The petitioner shall be available for the trial as well.



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v) On violation of any of the above conditions by the petitioner,
the respondent police shall move an application for cancellation of the
bail.

sd/-
06/06/2024

/ TRUE COPY /

06/06/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

To

1.The Judge,
Special Court for Exclusive Trial of Cases Under POCSO Act, 2012,
Theni.

2.The Inspector of Police,
Bodinayakkanur Taluk Police Station,
Theni District.

3.The Officer Incharge,
District Prison,
Thegampatti, Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-6175[I] dated 06/06/2024)



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ORDER

IN

CRL OP(MD) No.7915 of 2024

Date :06/06/2024

ED/ /SAR- (04/06/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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