



CRL OP(MD). No.10750 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.10750 of 2024

Tamil Selvam

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
Crime No. 315/2024.

... Respondent/Complainant

For Petitioner : Mr.S.Sathyachidambaram,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor(CRL.SIDE)

PETITION FOR BAIL Under Sec.483 BNS/ 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 315 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

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



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08.07.2024 under the caption of "Girl Missing" @ Section 366 of IPC and Section 5(1) and 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No. 315 of 2024 on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the petitioner herein has kidnapped the victim girl, who is the minor, and forcibly sexual intercourse with her. Hence, the case.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

4. Considering the nature of allegations that the petitioner and the victim girl are in relationship and considering the fact that even while examining the victim under Section 164 before the appropriate Court, the girl did not wish to state anything and considering the fact that the petitioner was arrested on 08.07.2024, I am inclined to enlarge the petitioner on bail.

5. Accordingly, this Criminal Original Petition is allowed and the petitioner is



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ordered to be released on bail, on 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 Special Court for POCSO Act cases, Tirunelveli.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall appear before the respondent Police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for interrogation;

(iii)the petitioner shall not tamper with evidence or witness;

iv)the petitioner shall not abscond during trial.

v)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].



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

sd/-
08/08/2024

(*)AMENDED AS PER ORDER OF THE
COURT DATED 09.08.2024 IN CRL OP(MD)
NO.10750 OF 2024 BY DBCJ

/ TRUE COPY /

09/08/2024
Sub-Assistant Registrar (PA-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD/TRP

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 08/08/2024 ALREADY
DESPATCHED

1.THE JUDGE, SPECIAL COURT FOR POCSO ACT CASES, TIRUNELVELI.

2 THE JUDICIAL MAGISTRATE NO.I
TIRUNELVELI.

3 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.

5 THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION, TIRUNELVELI CITY.



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6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SATHYA CHIDAMBARAM, Advocate SR NO.9765 DATED
09.08.2024

ORDER
IN

CRL OP(MD) No.10750 of 2024
Date :08/08/2024

SS/SAR- /08/08/2024/5P/7C

RK/ (09.08.2024) 5P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023