



CRL OP(MD). No.16214 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 26/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.16214 of 2024

Gunasekaran

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,  
Rep. by Inspector of Police,  
Koombur Police Station,  
Dindigul District.  
In Crime No.129 of 2024.

... Respondent/ Complainant

For Petitioner : Ms.J.Balameenakshi  
Advocate.

For Respondent : Mr.R.M.Anbunithi,  
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 129 of 2024 on the file of the respondent police.



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**ORDER :** The Court made the following order :-

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The petitioner/ Accused, who was arrested and remanded to judicial custody on 05.09.2024 for the offences punishable under Sections 142, 329(4), 96, 127(2), 351(2) and 49 of BNS r/w. 9 and 11 of Child Marriage Act, 2006 r/w. Sections 5(1), 6 and 17 of POCSO Act in crime No. 129 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein kidnapped the victim girl and forcibly married her and he had committed aggravated penetrative sexual assault on 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 enticed the minor child aged about 17 years and four months and in the guise of marriage and considering the fact that he is in custody from 5/9/2024, I am inclined to enlarge the petitioner on bail.



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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 Sessions Judge, POCSO Court, Dindigul.

(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



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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/-  
26/09/2024

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26/09/2024  
Sub-Assistant Registrar (PA-I/ AD-I )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TRP

TO

1. The Sessions Judge, POCSO Court, Dindigul.
2. The Officer in charge, District Jail, Dindigul.
3. The Inspector of Police,  
Koombur Police Station,  
Dindigul District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.J.BALAMEENAKSHI, Advocate ( SR-11775[I] dated 26/09/2024 )



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ORDER

IN

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Date :26/09/2024

RK (26/09/2024) 5P / 6C

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