



CRL OP(MD)No.18387 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD)No.18387 of 2024

M.Ganesan

... Petitioner/ Accused rank not known

Vs

The Inspector of Police,
Koombur Police Station,
Koombur, Dindigul District,
Crime No.129/2024.

... Respondent/ Complainant

For Petitioner : Mr.V.Muthusamundeeswaran
Advocate.

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

For Intervenor : Mr.K.Karan Singh, Advocate

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

PRAYER :-

For Bail in Crime No.129/2024 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 is arrested and remanded to judicial custody on 15.10.2024 for the offence punishable under Sections 137(2), 142 of BNS r/w. 9 of the Child Marriage Act @ 329 (4), 96, 127(2), 351(2) of BNS r/w. 49 of BNS and Section 5 (1) r/w. 6, 17 of POCSO Act, 2012 and Section 9, 11 of the Prohibition of Child Marriage Act, 2006, in Crime No.129 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioner along with other accused enticed the victim girl, who is aged about 17 years and had taken away the victim girl in a car. Hence, the complaint.

3.Heard the learned counsel on either side and perused the material records of the case.

4.The learned Counsel appearing on behalf of intervenor would submit that this is a case where the victim child aged about 17 years, was enticed and the petitioner along with other accused pressurized the child and took away the child and petitioner being the driver, who drove the car should not be enlarged on bail.



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5.Considering the statement under Section 164 of Cr.P.C., given by the victim child and also considering the allegation against the petitioner that he was the driver of the car, I am inclined to enlarge the petitioner on bail with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is 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 Judge (Mahila Court) for POCSO Act Cases, 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 report before the respondent police daily at 10.30 a.m.,for a period of three weeks and thereafter, as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

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



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(iv) the petitioner shall not abscond during trial.

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(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].

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

sd/-
24/10/2024

/ TRUE COPY /

24/10/2024
Sub-Assistant Registrar (PA-I/AD-I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SPECIAL JUDGE (MAHILA COURT) FOR POCSO ACT CASES, DINDIGUL;
2. THE INSPECTOR OF POLICE,
KOOMBUR POLICE STATION,
KOOMBUR, DINDIGUL DISTRICT,



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3.THE OFFICER IN CHARGE,
DISTRICT JAIL, DINDIGUL.

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

+1 CC to M/s.S.V.MUTHU SAMUNDEESWARAN, Advocate (SR-13010[I] dated
24/10/2024)

ORDER
IN
CRL OP(MD) No.18387 of 2024
Date :24/10/2024

RK/ (24/10/2024) 5P / 6C

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