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Crl.O.P.No.23376 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2025

CORAM

THE HONOURABLE Dr.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.23376 of 2025

Elangovan

... Petitioner

Vs.

The State Rep. by:
The Inspector of Police,
Kundadam Police Station,
(Crime No.167 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to release on bail in the above Crime
No.167 of 2025 pending on the file of the respondent police.

For Petitioner : Mr.M.Gunasekaran

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 02.07.2025, for the offence punishable under Sections 96 of BNS, 2023,
in Crime No.167 of 2025, registered on the file of the respondent, seeks bail.



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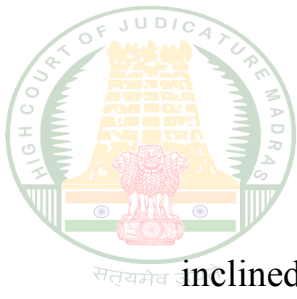
2. According to the prosecution, the present case arising out of a missing girl complaint lodged by one Gandhimathi, the mother of the minor girl . Hence, the present complaint.

3. The learned counsel appearing for the petitioner submitted that the respondent police have recorded the statement of the victim girl, wherein she disclosed that it was a love affair which prompted her to leave the family and elope with the petitioner and therefore, no offence is made out.

4. The learned Government Advocate (crl.Side) appearing for the respondent police opposed the grant of bail to the petitioner and submitted that this is a case of enticing a minor girl to leave her lawful guardian . He further submitted that the final report has been filed.

5. Heard both sides and perused the materials available on record.

6. Considering the fact that the daughter of the defacto complainant had left the home voluntarily and was in the company of the petitioner for three days before she was rescued by the police, this Court is



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inclined to grant bail to the petitioner, subject to certain conditions.
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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Dharapuram** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] **the petitioner shall attend the trial without fail;**

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;



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[d] If the accused thereafter absconds, a fresh
FIR can be registered under Section 269 of B.N.S.

22.08.2025

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

- 1.The Judicial Magistrate, Dharapuram
- 2.The Inspector of Police,
Kundadam Police Station,
- 3.Sub Jail, Dharapuram
- 4.The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN, J.

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