



WEB COPY



Crl.O.P.No.32601 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.32601 of 2024

Pradeep

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Mathur Police Station,
Dharmapuri District.

(Crime No.369 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in
connection with Crime No.369 of 2024, pending investigation on the file of the
respondent Police.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.369 of 2024 registered for
the offences punishable under Section 87 of BNS, is on board for consideration.



Crl.O.P.No.32601 of 2024

WEB COPY

2. The incarceration of the petitioner being from 25.11.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the petitioner and the victim are loving each other, thereby, the victim had come out of her house and on her own volition eloped along with the petitioner. He also submits that the petitioner has not committed any offence as alleged by the prosecution. He further submits that the petitioner understands that the statement from the victim girl has been recorded, wherein, she has not made any allegations against the petitioner. He further submits that the petitioner is in custody for more than forty days and he is ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner, aged about 27 years, had kidnapped the minor victim girl, aged about 17 years. He also submits that the minor victim girl has now been secured and the statement under Section 183 of BNSS has also been recorded from her and the investigation in this case is still pending.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the



Crl.O.P.No.32601 of 2024

materials available on record including the statement recorded under Section 183 of BNSS from the minor victim girl and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties (out of which, one of the sureties should be the blood related surety of the petitioner)**, each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Pochampalli**, and on further conditions that :

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police everyday at 10.30a.m. for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



WEB COPY



Crl.O.P.No.32601 of 2024

A.D.JAGADISH CHANDIRA.,J.

ham

[e] 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]***;

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

09.01.2025

ham

To

1. The District Munsif cum Judicial Magistrate,
Pochampalli.
2. The Inspector of Police,
Mathur Police Station,
Dharmapuri District.
3. The Superintendent,
Districts Prison, Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.32601 of 2024