

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.8229 of 2021

C.Parthiban

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
Ahiyamankottai Police Station,
Dharmapuri District.
(FIR No.105 of 2021)

.... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge on bail in FIR No.105 of 2021 on the file of the respondent Police.

For Petitioner : Mr.C.Palanisamy

For Respondent : Ms.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 16.03.2021 for the offence under Sections 363 of I.P.C. and Section 3(a), 4 of POCSO Act-2012 in FIR No.105 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the defacto complainant's daughter was missing.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor submitted that investigation revealed that the defacto complainant's daughter had love affair with this petitioner and hence she eloped with the petitioner.

5.Considering the fact that the victim had love affair with the petitioner and hence she eloped with him, I am inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Fast Track Mahila Court at Dharmapuri and on further condition 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, daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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]**; and;

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

-sd/-

30/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

WEB COPY

TO

1 THE FAST TRACK MAHILA COURT
DHARMAPURI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
AHIAMANKOTTAI POLICE STATION,
DHARMAPURI DISTRICT.

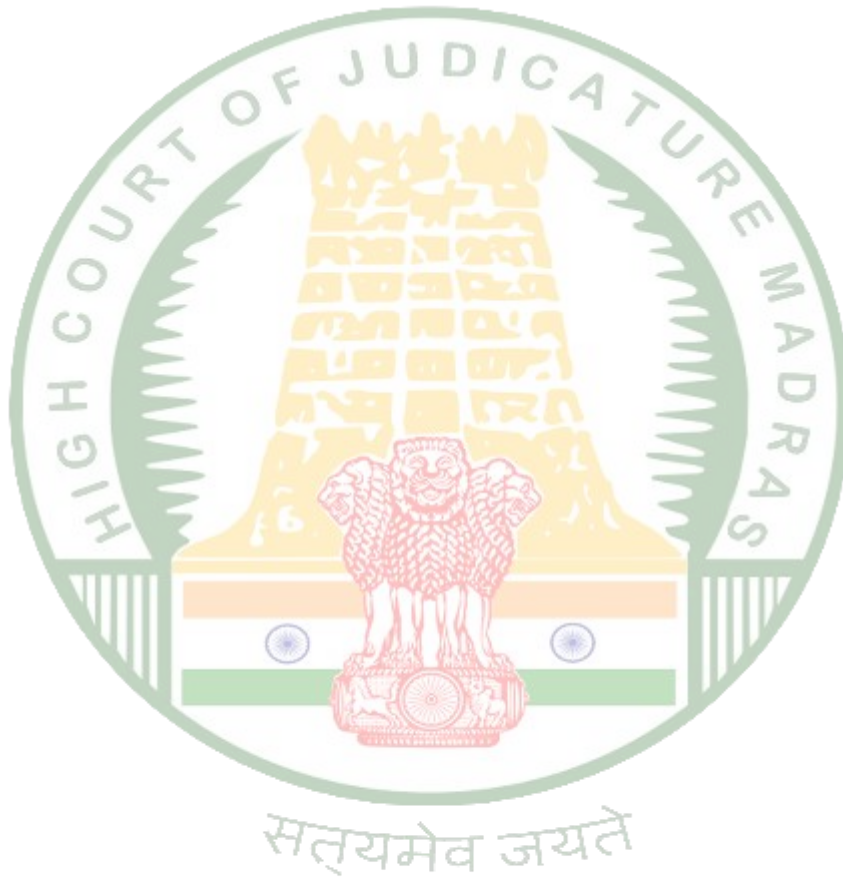
4 THE OFFICER INCHARGE
DISTRICT JAIL, DHARMAPURI.

CC to M/S C. PALANISAMY Advocate on payment of necessary charges

CRL OP.8229/2021

Date :30/04/2021

TA-03/05/2021



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