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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.No.12389 of 2021

Rahim

... Petitioner

Vs.

The State Represented by :-
The Inspector of Police,
(*)All Women Police Station,
Tambaram,
Chennai District.

Crime No.14 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to enlarge the petitioner/accused on bail in connection with
the Crime No.14 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.P. Chandrasekar

For Respondent : Mr.A.Gopinath
Government Advocate(CrI. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 10.06.2021 for the offence punishable under Section 376(3) of I.P.C and r/w Section 5(1)5(j)(ii) and 6 of POCSO Act in Cr.No.14 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner and the victim girl loved each other and the petitioner committed sexual assault on her and thereby the victim girl become pregnant. Subsequently the petitioner refused to marry the victim girl. Hence the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner and the victim girl fell in love each other. Apart from that he has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the case and he is judicial



custody from 10.06.2021. However he further submits that now the petitioner is ready and willing to marry the victim girl and the parties have also filed a joint affidavit to that effect. Hence he prays for grant of bail to the petitioner.

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4.The learned Government Advocate (Crl. Side) submits that now the a joint affidavit has been filed by both the parents, wherein they have been stated that they are ready to perform the marriage between the petitioner and the victim girl. It was further stated that there was a good relationship between both the families and they will maintain the same in future.

5.Considering the facts and circumstances of the case and considering the joint affidavit filed by both the parties, , this Court is inclined to grant bail to the petitioner with following conditions:

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 Special Court for Exclusive Trial of cases under POCSO Act at Chengalpattu, 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 is directed to appear before the respondent police daily morning at 10.30 am 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 petitioners 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/-
26/07/2021

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

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

(*) Being mentioned as per order of this Court dated 02/08/2021 made in CRL.OP.NO.12389/2021

TO

1 THE SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT
CHENGALPATTU.

**(*) 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THAMBARAM,
CHENNAI DISTRICT.**

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CHENNAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAI, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S P.CHANDRASEKAR Advocate on payment of necessary charges

CRL OP.12389/2021

Date :26/07/2021

JPA 27/07/2021

RW 03/08/2021