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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.23296 of 2021

Sathishprabu

.. Petitioner

Vs.

State rep. by its
The Inspector of Police,
All Women Police Station, Cuddalore,
Cuddalore District.
(Crime No.13 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in concern Crime No.13 of 2021 on the file of respondent Inspector of Police, All Women Police Station Cuddalore, Cuddalore District.

For Petitioner : Mr.A.Arasu Ganeshan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who were arrested and remanded to judicial custody on 14.11.2021 for the offences under Sections 5(1)5(j)(ii), 6 of POCSO Act, 2012 in Crime No.13 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner is the relative and neighbour of the victim and he is working as lineman at Nagapattinam and he is already married and having two children. It is very unfortunate after knowing the above said facts, the defacto complainant had a physical contact with the petitioner for several occasions in pursuant to that she was conceive now she is 8 month pregnancy. Under the circumstances, he is ready to marry the defacto complainant with the consent of the first wife for which compromise talc going on between the petitioner and his wife and his family members. Hence this case.



3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner. But he admits that he ready to take the child and victim and also agreed to pay some interim maintenance to the child.

4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner is aged about 34 years and the girl is aged about 17 years and out of their relationship the girl got a child and both the child and the victim is under the custody of the parents. However, he vehemently opposed to grant bail to the petitioner.

5. Considering all these facts, investigation almost completed, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on their executing separate bonds 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 Court (POCSO Act Cases), Cuddalore, 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 on every Sunday at 10.30 a.m. until further orders and the petitioner shall pay interim maintenance of Rs.5000/- (Rupees Five Thousand only) to the child and victim girl until he marry her as per law, failing which the order will be cancelled automatically;

(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 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]; and;



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

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-sd/-
10/12/2021

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

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

TO

1 THE SPECIAL COURT (POCSO ACT CASES),
CUDDALORE.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CUDDALORE, CUDDALORE DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, VILLUPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

COPY TO THE

VICTIM GIRL / MUKILA,
NO.2/15, ALAMARATHU THERU,
PALLIPATTU, THOOKANAMBAKKAM,
CUDDALORE.

+1CC to M/S.A.ARASU GANESHAN Advocate on payment of necessary charges SR.NO.14466

CRL OP.23296/2021

Date :10/12/2021

CSK 10/12/2021