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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

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

Crl.O.P.No.25366 of 2021

Paramsivam

...Petitioner

Vs.

State rep by The Inspector of Police
Vaazhapadi Police Station,
Salem District.
(Crime No.524 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 Crime No.524 of 2021, on the file of the respondent police.

For Petitioner : Mr.Kannadasan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 16.10.2021 for the offences under Sections 366 of IPC and Sections 5(1) 5(j) (ii), 6 of Protection of Children From Sexual Offence Act, 2012, in Crime No.524 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 12.05.2021 defacto complainant lodged a complaint before the respondent police stated that petitioner kidnapped the victim girl who is aged about 15 years from the school itself had committed penetrative sexual assault with her, thereby, she impregnated the victim girl. Hence, the complaint.

3.The learned counsel for the petitioner submits that he is falsely implicated in this case and he further submitted that petitioner is ready to marry the victim girl. Hence, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent stating that statement under Section 164 of Cr.P.C is recorded.

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5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and the statement under Section 164 Cr.P.C is recorded and the investigation is 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 his executing a bond 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 for Exclusive Trial of Cases under POCSO Act, Salem, 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 Trial Court daily at 10.30 a.m, for a period of 6 months until further orders ;

(c) the petitioner shall file an affidavit of undertaking before the trial Court with regard to performance of marriage with the victim girl along with the petitioner's mother Signature;

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

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

(f) 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;



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

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-sd/-
23/12/2021

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 FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
SALEM.

2 THE INSPECTOR OF POLICE,
VAAZHAPADI POLICE STATION,
SALEM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to MR.KANNADASAN Advocate on payment of necessary charges
SR.NO.15470

CRL OP.25366/2021

Date :23/12/2021

CSK 23/12/2021