



CrI.OP.No.16961 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.16961 of 2022

Moganraj correctly spelt as Mohanraj

..Petitioner

Vs.

State Represented by
The Inspector of Police,
All Women Police Station,
Nannilam,
Thiruvarur District.
(Crime No.11 of 2022)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail by the respondent in Crime No.11
of 2022 on file of the The Inspector of Police, All Women Police Station,
Nannilam, Thiruvarur District.

For Petitioner : Mr.N.Palanivel

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.05.2022 for the offence punishable under Section 67 of IT Act, Sections 11(5), 12, 7, 8 under POCSO Act, 2012, Section 448 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.11 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner is the son of maternal uncle of the victim girl. It is alleged that the petitioner had shown pornography videos and obscene photos and compelled the victim girl to marry him. Hence, the present case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and he is no way connected with the offence as alleged by the prosecution. However, he prays for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner fell in love with the victim girl aged about 17 years and had shown pornography videos and obscene photos and compelled the victim girl to marry him. Hence, he vehemently opposed to grant bail to the petitioner.

5. A perusal of the statement recorded under Section 164 Cr.P.C of the victim girl revealed that the victim girl is aged about 17 years. She fell in love with the petitioner who is the son of maternal uncle of the victim girl. Further revealed that he had shown pornography videos and obscene photos and compelled the victim girl to marry him. So, the victim girl refused to love him. Therefore, there is no physical relationship between them.

6. Considering the above facts and circumstances of the case, and also taking note of the fact that the petitioner is in judicial custody from 05.05.2022, this Court is inclined to grant bail to the petitioner.



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7. Accordingly, **the petitioner shall file an undertaking affidavit before the Trial Court that he will not indulge in any similar offence any further** and on such filing, 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 blood related sureties**, each for a like sum to the satisfaction of the learned District Munsif Cum Judicial Magistrate, Nannilam 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 file an undertaking affidavit before the Trial Court that he will not indulge in any similar offence any further.

[c] the petitioner shall report before the respondent Police daily Morning at 10.30 a.m., and Evening 05.00 p.m, until further orders.

[d] the petitioner shall not abscond either during investigation or trial.



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[e] the petitioner shall not tamper with evidence or witness 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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G.K.ILANTHIRAIYAN, J.

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To

- 1.The District Munsif Cum Judicial Magistrate, Nannilam.
- 2.The Inspector of Police,
All Women Police Station,
Nannilam,
Thiruvarur District.
3. The District Prison,
Ngapattinam,
- 4.The Public Prosecutor,
High Court of Madras

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