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CrI.OP.No.17521 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2022

CORAM

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

CrI.OP.No.17521 of 2022

Sivasakthi

..Petitioner

Vs.

State, represented by
The Inspector of Police,
All Woman Police Station,
Bhavani,
Erode District.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No:9/2022 on the file
of the Respondent Police.

For Petitioner : Mr.V.Vijayakumar

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 18.06.2022 for the offence under Section 366 of IPC and



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Sections 5(l), 5(j) (ii), 6 of the Protection of Children from Sexual Offences Act 2006 in crime No.9 of 2022 on the file of the respondent police, seeks bail.

2. The petitioner fell in love with the victim girl aged about 17 years. Now, she got pregnant of 8 months. When she went to the hospital for medical check-up, the same was intimated to the Child Welfare Department and lodged a complaint. That apart, it is an arranged marriage by the parents.

3. Considering the above facts and circumstances of the case, and also the period of incarceration of the petitioner from the date of his arrest i.e. 18.06.2022, this Court is inclined to grant bail to the petitioner. 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 Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court) Erode**, and on further conditions that:



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[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 register his marriage with the victim girl immediately after attainment of her majority and produce the registration of their marriage certificate before the respondent police, failing which the order passed by this Court shall stand automatically cancelled and the respondent police is directed to secure the petitioner and proceed as against the petitioner in accordance with Law.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

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

[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]**.



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

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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Sessions Judge,
Magalir Neethi Mandram,
(Fast Track Mahila Court) Erode.
- 2.The Inspector of Police,
All Woman Police Station,
Bhavani,
Erode District.
- 3.Sub-Jail Gobichetty palayam.
- 4.The Public Prosecutor,
High Court of Madras

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