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Crl.OP.No.17967 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2022

CORAM

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

Crl.O.P.No.17967 of 2022

Ajay

..Petitioner

Vs.

State by Inspector of Police,
All Women Police Station,
Nannilam Taluk, Thiruvarur District.
Crime No.15 of 2022

..Respondent

PRAYER:- Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.15 of 2022 on the file of the respondent police.

For Petitioner : Mr.J.Thilagaraj

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.06.2022 for the offence under Sections 5(l) and 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) in crime



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No.15 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the *de-facto* complainant aged about 17 years are family relatives and they were in love with each other. With the consent of the *de-facto* complainant, they both had physical relationship and owing to the same she become pregnant. Out of fear, the *de-facto* complainant consumed some agricultural pesticide and she was admitted in the Nannilam Government Hospital and upon the information from the hospital, the case has been registered.

3. On perusal of the statement recorded under Section 164 of Cr.P.C. revealed that the petitioner fell in love with the victim girl aged about 17 ½ years. They had physical relation ship, due to which, she got pregnant. She categorically said that she wants to live with the petitioner. The petitioner is also ready and willing to marry the victim girl.



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4. Considering the above facts and circumstances, this Court is inclined to grant Bail to the petitioner with certain conditions. 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, Fast Track Mahila Court, Thiruvavarur** 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 as and when required for interrogation.

[c] the petitioner shall marry the victim girl and register their marriage. The Registration of Marriage certificate shall be produced before respondent police on or before 01.06.2023, failing which the bail stands automatically cancelled and the respondent police is directed to secure the petitioner and proceed in accordance with Law.

[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.



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[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.

04.08.2022

mpl

To

- 1.The Sessions Judge,
Fast Track Mahila Court, Thiruvavur.
- 2.The Inspector of Police,
All Women Police Station,
Nannilam Taluk, Thiruvavur District.
- 3.District Prison,
Nagapattinam.
- 4.The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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