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CrI.OP.No.18710 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2022

CORAM

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

CrI.OP.No.18710 of 2022

Sakthivel

...Petitioner

Vs.

State represented by
Inspector of Police,
All Women Police Station,
Chengam,
Tiruvannamalai District.
(Crime No.8 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the bail to the petitioner in Crime No.8 of 2022 on the
file of the respondent police.

For Petitioner :Mr.M.Mariappan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.07.2022 for the offences punishable under Sections 376(2)(n) of IPC & Section 5(l), 5(j)(ii), 6 of POCSO Act, 2012 and Section 9,10 of Prohibition of Child Marriage Act, 2006 in crime No.8 of 2022 on the file of the respondent police, seek bail.

2. On perusal of the statement of the victim girl recorded under Section 164 of Cr.P.C revealed that the victim girl fell in love with the petitioner and thereby eloped with him. Thereafter, they got marriage and lived together. Due to which, the victim girl got pregnant.

3. The learned Counsel for the petitioner submitted that the petitioner is ready and willing to register the marriage with the victim girl after the attainment of majority. Hence, he seeks for bail to the petitioner.

4. Considering the above facts and circumstances of the case



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and also the period of incarceration by the petitioner from the date of their arrest i.e., 04.07.2022, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two blood sureties**, each for a like sum to the satisfaction of the **Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai** 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 twice daily at 10.30 a.m. and 5.30 p.m., for a period of six weeks and thereafter as and when required for interrogation.

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[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]**.

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

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To

1. Special Court for Exclusive Trial of
Cases under POCSO Act,
Tiruvannamalai.
2. Inspector of Police,
All Women Police Station,
Chengam,
Tiruvannamalai District.
3. Central Jail,
Vellore.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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