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Crl.O.P.No.18588 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.18588 of 2022

Prakash

.. Petitioner

Vs.

The State Represented by its
Inspector of Police,
W-8, All Women Police Station,
Thirumangalam Police Station,
Chennai – 600 101.
(Crime No.17/2022)

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C
praying to enlarge the petitioner on bail relating to Crime No.17 of 2022,
pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Murali Vinodh

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



ORDER

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The petitioner herein was arrested on 22.06.2022 for the alleged offences under Sections 5(l), 5(j)(ii) and 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No.17 of 2022, on the file of the respondent police, seeks bail.

2. Based on the intimation received from the hospital that a 16 years old girl has given birth to a child, the police has registered FIR in Crime No.17 of 2022 and had arrested this petitioner and two others who are relatives of this petitioner.

3. Learned counsel for the petitioner states that the minor girl and the petitioner are related to each other and got married and as a result of their marital life, a child was born on 15.06.2022 and the petitioner has been arrested under POCSO Act, alleging that he has committed rape on a minor girl.



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4. Learned Additional Public Prosecutor states that the 164 statement of the victim girl has already been recorded by the Judicial Magistrate and investigation has been completed substantially.

5. Recording the same, this Court is inclined to grant bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, each for a like sum to the satisfaction of the Mahila Court, (Fast Track) at Thiruvallur.

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) **the petitioner is directed to report before the Investigating Officer as and when required;**



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

(e) on breach of any of the aforesaid conditions, the learned Judicial 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 absconds, a fresh FIR can be registered under Section 229A IPC.

08.08.2022

AT



To

1.The Mahila Court, (Fast Track) at Thiruvallur.

2.The Inspector of Police,
W-8, All Women Police Station,
Thirumangalam Police Station,
Chennai – 600 101.

3.The Superintendent of Prison,
Sub Jail, Thiruvallur.

4.The Public Prosecutor,
High Court, Madras.

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Dr.G.JAYACHANDRAN,J.

AT

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