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CrI.OP.No.18770 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2022

CORAM

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

CrI.OP.No.18770 of 2022

Mohammed Basha

..Petitioner

Vs.

State Rep by:

The Inspector of Police,
All Women Police Station,
Ranipet, Ranipet District.
(Crime No. 1 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.1 of 2022 on the file of the respondent Police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.03.2022 for the alleged offence punishable under Sections 5(j) (ii), 5(1), 5(n) and 6 of Prevention of Children from Sexual Offences



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(POCSO) Act 2012 and Section 506(i) of IPC in Crime No. 1 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein forcibly had sexual intercourse with the defacto complainant's daughter, due to which she got pregnant and delivered a child on 15.03.2022. Hence, the complaint.

3. The learned Additional Public Prosecutor submitted that the petitioner was already a married man and having three children. While being so, the petitioner had committed penetrative sexual assault on the victim girl, due to which she got pregnant and also delivered a child on 15.03.2022. He also produced the statement of the victim girl recorded under Section 164 Cr.P.C.

4. Now, the victim girl is aged about 17 ½ years, having been born on 09.05.2005. The petitioner fell in love with the victim girl and on the pretext of marriage, had sexual intercourse with the victim girl. She got pregnant and delivered a baby. Today, the victim girl appeared before this Court and deposed that the first wife of the petitioner agreed



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and accepted her relationship and she is taking care of the child born to her. Now the charge sheet has been laid and it is pending for trial. In view of the compromise, there is no such possibility for convicting the petitioner herein. That apart, the parents of the victim girl had also accepted and agreed that the victim girl can live with the petitioner. Since, the petitioner is Muslim by religion, he is entitled to marry the victim girl.

5. Considering the above facts and circumstances of the case, and also taking note of the fact that the petitioner is in judicial custody from 16.03.2022, this Court is inclined to grant bail to the petitioner.

6. 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 Special Court for the Exclusive Trial of POCSO Cases, Vellore 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.



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To

1. The Special Court for the Exclusive Trial of POCSO Cases,
Vellore.

2. The Inspector of Police,
All Women Police Station,
Ranipet, Ranipet District.

3. Central Prison, Vellore.

4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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