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Crl.OP.No.19096 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2022

CORAM

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

Crl.OP.No.19096 of 2022

Prabu

...Petitioner

Vs.

State represented by
The Inspector of Police,
Thanipadi Police Station,
Thiruvannamalai District.
(Crime No.241 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in the Crime No.241 of 2022
pending on the file of the Inspector of Police, Thanipadi Police Station,
Thiruvannamalai District.

For Petitioner

:Mr. S. Silambuselvan

For Respondent

:Mr.A.Gopinath

Govt Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.06.2022 for the offences punishable under Sections 312, 314, 315, 109 of IPC read with Section 5(l), 5(j)(ii), 6, 21(1) of POCSO Act in crime No.241 of 2022 on the file of the respondent police, seek bail.

2. It is seen that there are totally three accused in this case and the petitioner is arrayed as A3. It is alleged that, A1 in this case had committed penetrative sexual assault on a victim minor girl, due to which, the victim girl became pregnant. Thereafter, the petitioner had taken the victim girl to A2's hospital for abortion of the foetus, due to which, the deceased victim girl died.

3. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of their arrest i.e., 13.06.2022, this Court is inclined to grant bail to the petitioner.



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4. Accordingly, the petitioner is ordered to be released on bail on his executing 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 **learned Sessions Judge, Special Court for POCSO Act Cases at Thiruvannamalai** 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., until further orders.

[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.

[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.**



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State of Kerala [(2005)AIR SCW 5560].

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

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To

1. Sessions Judge, Special Court for POCSO Act cases,
Tiruvannamalai.
2. The Inspector of Police,
Thanipadi Police Station,
Thiruvannamalai District.
3. Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

Sma

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