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Crl.OP.No.19269 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.19269 of 2022

1.Santhi

2.Bakkiyaraj

...Petitioners

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Nannilam,
Tiruvarur District.
(Crime No.11 of 2022)

..Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail pending investigation in Crime
No.11 of 2022 on the file of the respondent police station.

For Petitioners : Mr.N.Palanivel

For Respondent : Mr.V.J.Priyadarsana
Govt. Advocate (Crl. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 08.07.2022 for the offence under Section 67 of IT Act, Sections 11(5), 12, 7, 8 of POCSO Act, Section 448 IPC and Section 4 of Tamil Nadu Prohibition Harassment of Women Act, in Crime No.11 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners and their family members that the A1 took obscene photo of the victim girl and subsequently threatened the victim girl unless she marry him, he will uploaded the obscene photo in the social media and the petitioner and his family members assaulted the victim girl. Hence, this complaint.

3. The learned counsel appearing for the petitioners submitted that A1 and the victim girl were lovers and the victim girl at the inducement of her mother, forced the A1 to marry her. He further submitted that A1 and A2 were already released on bail by this Court.



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Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners are mother and brother of A1, forced the victim girl to get marry with A1. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances of the case, and also taking note of the fact that the petitioners are in judicial custody from 08.07.2022, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the District Munsif cum Judicial Magistrate, Nannilam, 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



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their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police daily Morning at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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To

- 1.The Inspector of Police,
All Women Police Station,
Nannilam,
Tiruvarur District.
- 2.The Sub Jail,
Tiruvarur,
- 3.The District Prison,
Nagapattinam.
- 4.The District Munsif cum Judicial Magistrate,
Nannilam.
- 5.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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