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Crl.OP.No.19680 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2022

CORAM

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

Crl.OP.No.19680 of 2022

1.Elangovan

2.Saraswathi

...Petitioners

Vs.

The State rep by
Inspector of Police,
AWPS Ariyalur Police Station,
Ariyalur District.
(Crime No.25 of 2022)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with the Crime
No.25/2022 on the file of the Respondent Police.

For Petitioners :Mr.D.Padmanabhan

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

ORDER

The petitioners who were arrested and remanded to judicial
custody on 17.07.2022 for the offences punishable under Sections **294(b)**
& **506(2)** of IPC read with Sections 7 and 8 of POCSO Act 2012 in



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Crime No.25 of 2022 on the file of the respondent police, seek bail.

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2. The case of the prosecution is that on the pretext of marriage, the petitioners son/A1 had physical relationship with the *de-facto* complainant's daughter and later refused to marry her. Hence, the complaint.

3. Even according to the case of the prosecution, the victim now attained majority. Due to horoscope, the marriage was stopped with the A1 and the victim girl.

4. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners from the date of their arrest i.e., 17.07.2022, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners 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 sureties**, each for a like sum to the satisfaction of the **District Mahila Court, Ariyalur**, and on further conditions that:



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[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 1st petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation. The 2nd petitioner shall report before the respondent police 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 abscond, a fresh FIR can be registered under Section 229A IPC.

24.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The District Mahila Court, Ariyalur.
- 2.The Inspector of Police,
AWPS Ariyalur Police Station,
Ariyalur District.
- 3.Central Prison, Trichy.
- 4.Women Prison, Trichy.
- 5.The Public Prosecutor,
High Court of Madras

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