



Crl.OP.No.20911 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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Karthik

...Petitioner

Vs.

State rep. by
The Inspector of Police,
All women Police Station,
Namakkal District.
(Crime No.22 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.22 of 2022 on the file of the respondent police.

For Petitioner :Mr.W.Camyles Gandhi

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.07.2022 for the offences punishable under Sections **366 of IPC and Sections 6 read with 5(l), 5(j)(ii) of POCSO Act 2012** in



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Crime No.22 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner had proposed his love to the victim girl aged about 17 years and thereafter, kidnapped her and taken to his house and had copulation with her thrice on the same day. Due to which, he become pregnant. On the complaint given by the victim girl's mother, the case was registered for the offences punishable under Sections 366 IPC and Sections 6 read with 5(l), 5(j)(ii) of POCSO Act 2012. The investigation is completed and charged sheet is filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner is aged about 20 years and there was a love affair between the petitioner and the *de-facto* complainant's daughter. He would further submit that their relationship are consensual in nature. He would further submit that investigation has been completed and final report has been filed and he is in custody from 19.07.2022. Hence, he prays for grant of bail to the petitioner.



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4. Per contra, the learned Government Advocate (CrI.side) appearing for the respondent would submit that the petitioner and the victim girl are neighbours in the same village. The petitioner induced the victim girl and kidnapped her from her guardians and had copulation with her. Due to which, she got pregnant. Later, the pregnancy was terminated on 01.07.2022. He would further submit that in this case investigation is completed and final report filed before the Mahila Court, Namakkal District and the same is yet to be taken on file.

5. Heard the learned counsels. Perused the C.D. file and statements recorded from the victim under Section 164 of Cr.P.C. Taking into consideration the facts and circumstances of the case and the investigation in this case has been completed, i am 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 **learned Sessions (Fast Track Mahila) Judge, Namakkal**, and on



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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 Mahila Court, Namakkal on all working days at 10.30 a.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. 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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mpl



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A.D.JAGADISH CHANDIRA, J.

mpl

To

- 1.The Sessions (Fast Track Mahila) Judge,
Namakkal.
- 2.The Inspector of Police,
All women Police Station,
Namakkal District.
- 3.Central Prison - Salem.
- 4.The Public Prosecutor,
High Court of Madras

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