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Crl.O.P.No.22027 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2022

CORAM

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

Crl.OP.No.22027 of 2022

Praveen

... Petitioner

Vs.

State represented by its
The Inspector of Police,
Thirumullaivoyal Police Station
and Transferred to W29-All Women
Police Station Avadi,
Thiruvallur District.
(Crime No.486 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.486 of 2022 on the file
of Inspector of Police, Thirumullaivoyal Police Station and transferred to
W29-All Women Police Station Avadi, Thiruvallur District.

For Petitioner : Mr.S.Arivazhagan

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



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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner had eloped with the minor girl to his friend's house and had committed penetrative sexual assault on her. However, he would submit that statement of minor girl is recorded under Section 164 of Cr.P.C., wherein, she had stated that she had gone voluntarily along with the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials including the statement recorded from the victim girl under Section 164 of Cr.P.C.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that the statement recorded from the victim girl under Section 164 of Cr.P.C., this Court is inclined to grant bail to the petitioner.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned District Mahila Judge (Fast Track Court), Thiruvallur** 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 daily 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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

13.09.2022

shk

To

1. The District Mahila Judge (Fast Track Court), Thiruvallur
2. The Inspector of Police,
Thirumullaivoyal Police Station
and Transferred to W29-All Women
Police Station Avadi,
Thiruvallur District.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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