



CrI.O.P.No.22606 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM

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

CrI.O.P.No.22606 of 2022

Munusamy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Krishnagiri District.

(Crime No.32/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.32 of 2022 on the file of the respondent Police.

For Petitioner : Mr.P.M.Jayachandran

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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Crl.O.P.No.22606 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.08.2022 for the offences punishable under Sections 363, 366 of IPC, Sections 3(a), 4 of Protection of Child from Sexual Offences Act, and Section 9 of Child Marriage Act, 2006, in Crime No.32 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the when the victim girl aged about 17 years, was on the way to school, the petitioner had kidnapped her and had tied mangalsutra to her in Tiruvannamalai Temple and had taken her to his sister's home and committed penetrative sexual assault on her. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person. He would further submit that the victim girl is now been secured and joined with her parents. The learned counsel would submit that the petitioner is in custody from 09.08.2022 and he is prepared to comply with any stringent condition imposed by the Court. Hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.22606 of 2022

WEB COPY

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner had kidnapped the victim minor girl and performed marriage with her and committed penetrative sexual assault on her and therefore, the petitioner was arrested by the respondent Police on 09.08.2022. He would also submit that 164 statement has also been recorded from the victim. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the materials available on record including the 164 statement recorded from the victim girl.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner.

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**



Crl.O.P.No.22606 of 2022

thousand only) with two sureties, each for a like sum to the satisfaction of the **learned Fast Track Mahila Court, Krishnagiri**, 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 stay at Chennai and report before the Inspector of Police, B-2 Esplanade Police Station, everyday 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]**;



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Crl.O.P.No.22606 of 2022

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

19.09.2022

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To

1. The Fast Track Mahila Court,
Krishnagiri.
2. The Inspector of Police,
All Women Police Station,
Krishnagiri District.
3. The Central Prison,
Salem.
4. The Inspector of Police,
B-2, Esplanade Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.22606 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.22606 of 2022

19.09.2022