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CrI.O.P.No.22787 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

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

CrI.O.P.No.22787 of 2022

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... Petitioner

Vs.

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

(Crime No.4 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail concerned in Crime No.4 of 2022 on
the file of the Inspector of Police, All Women Police Station, Mannargudi,
Thiruvarur District.

For Petitioner : Mr.D.Prabu

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.06.2022 for the alleged offences punishable under Section 3(a) and 4 of Protection of Children from Sexual Offences Act, 2012, , in Crime No.4 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner kidnapped the minor victim girl and committed penetrative sexual assault on her. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that a case of love affair and consensual physical relationship has been projected as a case under the Protection of Children from Sexual Offences Act, 2012. He would further submit that the petitioner has been arrested on 15.06.2022 and remanded to judicial custody on 17.06.2022 and he is prison for more than 90 days. He would also submit that the charge sheet has not been filed yet and the petitioner is entitled for statutory bail. Hence, he prays for grant of bail to the petitioner.



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4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner had kidnapped the minor victim girl, aged about 14 years and compelled her and committed penetrative sexual assault on her. He would further submit that the petitioner was remanded to judicial custody on 17.06.2022 and the charge sheet is not yet filed and the 164 statement has also been recorded from the victim girl. Hence, he vehemently 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 statements recorded from the victim girls.

6. Taking into consideration the facts and circumstances of the case and considering the period of incarceration undergone by the petitioner and also the charge sheet has not been filed yet, 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 Mahila Court, (Judicial Magistrate Level), Thiruvavarur**, 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 Police, 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



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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.

21.09.2022

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To

1. The Mahila Court, (Judicial Magistrate Level), Thiruvarur.
2. The Inspector of Police,
All Women Police Station,
Mannargudi,
Thiruvarur District.
3. The District Prison,
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.



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