



Crl.O.P.No.25974 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

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

Crl.O.P.No.25974 of 2022

Babu

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Nannilam All Women Police Station,
Tiruvarur Dist.
(Crime No.14 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.14/2022 on the file of
respondent police.

For Petitioner : Mr.S.Dhanasekar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.06.2022 for the offences punishable under Sections 4(2), 5(i), 5(j) (II) read with 6 of POCSO Act 2012 in Crime No.14 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner had committed penetrative sexual assault on the minor victim girl and the victim girl got pregnant. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and without understanding the consequences and rigours of the Prevention of Child from Sexual Offences Act, had fell in love with the victim minor girl. He would further submit that the petitioner is aged about 23 years and both the petitioner and the victim girl belong to the same community. Since the victim girl has delivered a baby, his parents have decided to take care of the victim girl and perform the marriage after the victim attains marriageable age. He would further submit that the petitioner is in custody from 02.06.2022. Hence, he prays for grant of bail to



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the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner had committed penetrative sexual assault on the victim girl, due to which, she become pregnant and delivered a child. He would further submit that the investigation has been completed and the case has been taken for trial in S.C.No.51 of 2022 on the file of Mahila Court, Thiruvarur. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) 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.



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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 **Mahila Sessions Court, Tiruvarur** 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 **Mahila Court, Tiruvarur on all working days at 10.30 a.m., for period of one month and thereafter on all the dates fixed by the trial Judge.**

[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.

27.10.2022

mpl

To

1. The Mahila Sessions Court, Tiruvarur.
2. The Inspector of Police,
Nannilam All Women Police Station,
Tiruvarur Dist.
3. Sub Jail - Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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