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CrI.O.P.No.24851 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

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

CrI.O.P.No.24851 of 2022

Harikrishnan

... Petitioner

Vs.

State Rep by,
Inspector of Police,
All Women Police Station, Nannilam,
Thiruvarur District.
(Crime No.21 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.21 of 2022 pending on
the file of the respondent.

For Petitioner : Mr.P.Muthamishselvakumar

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



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner being a neighbour of the *de-facto* complainant had induced the victim girl and had committed penetrative sexual assault. Due to which, she had become pregnant. As per the 164 statement of the victim girl, the petitioner had also threatened the *de-facto* complainant. 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.

7. 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)**



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with **two sureties**, each for a like sum to the satisfaction of **learned Session Judge, Fast Track Mahila Court, Thiruvarur** 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 Trichy and report before the Inspector of Police, Palakarai Police Station everyday at 10.30 a.m., until further Orders. It is made clear that the petitioner shall not enter into the jurisdiction of the respondent police till PW1 & the victim are examined during the trial.

[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 Session Judge, Fast Track Mahila Court, Thiruvarur.
2. The Inspector of Police,
All Women Police Station, Nannilam,
Thiruvarur District.
3. District-Prison,
Thiruvarur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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