



Crl.O.P.No.1408 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.01.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.1408 of 2023

Sivashankar
S/o.Thirumoorthi

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
All Women Police Station,
Avinashi, Tiruppur District.
(Crime No.14 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in pending investigation in Crime No.14 of 2022 on the file of respondent police.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side.)



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 02.12.2022 for the alleged offence under Sections 5(I), 5(J), (ii), read with 6 of POCSO Act in Crime No.14 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the mother of the victim girl had lodged the complaint stating that she is working as a coolie, residence of Tirupur. She has two female children and second daughter is aged about 15 years. When the second daughter missing her periods, the defacto complainant wanted her to be taken to the hospital and at that time, the victim girl informed and cried. This petitioner, during April 2022 had taken her to his house and under the guise of marriage had physical relationship with her and that the said relationship is forced. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is no way connected with the alleged offence and hence, he prays for grant of bail to the petitioner.



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4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner had already filed bail petition before the learned Sessions Judge, Magalir, Neethimandram, (FTMC), Tiruppur which was dismissed on 04.01.2023. He would further submit that 164 statement of the victim has already been recorded that investigation is completed. However, he opposed for grant of bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6.Considering the fact that the petitioner is in judicial custody from 02.12.2022 and also taking into account of the fact that investigation has been completed by the police, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail on



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his executing a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of **learned Magalir Neethimandram, (FTMC), Tiruppur,** 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 on every Wednesday at 10.30 a.m., for a period of four months and co-operate for the investigating and trial proceedings

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond 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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and;

(f)if the accused thereafter absconds, a fresh FIR
can be registered under Section 229-A IPC;

24.01.2023

vsn

To

1. The Magalir Neethimandram (FTMC),
Tiruppur.
2. The Inspector of Police,
All Women Police Station,
Avinashi, Tiruppur District.
3. The Superintendent
Central Jail,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras, Chennai.

T.V. THAMILSELVI, J.



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