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Crl.O.P.No.2627 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM:

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

Crl.O.P.No.2627 of 2023

Mariselvam

... Petitioner

Vs.

The State Rep.by,
The Inspector of Police,
AWPS Tiruppur North,
Tiruppur District.
(Crime No.26 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, praying to enlarge the petitioner on bail in Spl.S.C.No.159 of 2022 on the file of the Sessions Judge, Mahalir Neethimandram (FTMC) Tiruppur, Tiruppur District (Crime No.26 of 2022 on the file of Inspector of Police, All women Police Station, Tiruppur North, Tiruppur District pending on the file of the respondent police.

For Petitioner : Mr.S.P.Yuaraj

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.09.2022 for the offences punishable under Sections 5(b)(i), 5(l), 5(j)(ii) and 6 of POCSO Act, 2012 in Cr.No.26 of 2022 on file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had committed sexual assault on the victim girl. Based on the complaint of the defacto complainant/victim girl, a case has been registered in Crime No.26 of 2022 by the respondent police. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that he has been falsely implicated in this case. He would further submit that he is prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) submits that the victim girl is aged about 17 years and she also delivered a child. He would submit that investigation has been completed and DNA test has also been taken. He would also submit that the statement under Section 164 of Cr.P.C has also been recorded from the victim girl. However, he vehemently opposed to grant 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 facts and circumstances of the case, investigation is almost completed and also considering the period of incarceration undergone by the petitioner from 06.09.2022, 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



executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**

with two sureties, out of which, one must be a blood related surety, each for a like sum to the satisfaction of the **Court of the Sessions Judge, Mahalir**

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 station daily at 10.30 a.m., for a period of four months and thereafter, as and when required for interrogation.**

(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



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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]***; and;

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

24.02.2023

gbi

To

- 1.The learned Sessions Judge, Mahalir Neethimandram (FTMC)
Tiruppur, Tiruppur District
- 2.The Inspector of Police,
AWPS Tiruppur North,
Tiruppur District.
- 3.The Central Prison
Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI,J.

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