



Crl.O.P.No.7595 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

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

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Vinoth

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Mangalamedu Police Station.

(Crime No.256 of 2022). ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime
No.256 of 2022, pending investigation on the file of the respondent Police.

For Petitioner : M/s.T.Dharani

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



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understanding the rigours of the provision of the Child Marriage Act, have arranged marriage between them. He would further submit that the petitioner's family members are now taking care of the victim girl.

4. Learned Government Advocate (Crl.side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner had committed penetrative sexual assault on the victim girl aged about 17 years due to which, she became pregnant and thereafter, the accused had obtained a fabricated Aadhar Card to avail maternity benefits and during such time, it was found that the victim girl was a minor girl. He would further submit that the Statement of the victim girl has also been recorded under Section 164 Cr.P.C.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.side) and perused the materials available on record including the Statement recorded from the victim girl under Section 164 Cr.P.C.

6. Taking into consideration the facts and circumstances of the



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case, the submissions made by the learned counsel for the petitioner and also considering the Statement recorded under Section 164 Cr.P.C., 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 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 Sessions Judge, Mahila, Peramalur**, 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, 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



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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]***;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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A.D.JAGADISH CHANDIRA.,J.

gbi

To

1. The Sessions Judge,
Mahila, Peramalur.
2. The Inspector of Police,
Mangalamedu Police Station.
3. The Sub-Jail,
Perambalur.
4. The Public Prosecutor,
High Court of Madras.

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