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CrI.OP.No.10026 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.10026 of 2023

Sugumar

... Petitioner

Vs.

State Rep by
Inspector of Police,
Mecheri Police Station,
Salem Dt.
Crime No.161 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in crime No. 161 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.Deepak Kumar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.03.2023 for the offence punishable under Sections 11(i), 11(iv), r/w 12 of POCSO Act, 2012 and Section 506(ii) of I.P.C. in Crime No.161 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim is aged about 15 years and the petitioner is aged about 25 years. Victim girl is studying 10th Std. At Mecheri Government Higher Secondary School, Salem and for the past 6 months from the date of complaint, the petitioner gave love torture to the daughter of defacto complainant when she is going to school and when she refused it, he threatened her with dire consequences. Hence, the father of defacto complainant lodged the present complaint against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner.

.Page 2 of 6



CrI.OP.No.10026 of 2023

WEB COPY

4. The learned Additional Public Prosecutor would submit that the victim girl is aged about 15 years and he is an already a married man. He would submit that suppressing his marriage, he gave love torture to the daughter of defacto complainant when she is going to school. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen from the statement recorded under Sec.164 of Cr.P.C., it reveals that victim girl, aged about 15 years and the petitioner tortured her in order to love him. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner **on condition that the petitioner shall file an undertaking affidavit that he shall not indulge in any further illegal activities.**

6. On filing such affidavit, 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) with two blood related sureties, each for a like sum to the satisfaction of the learned **Special Court for POCSO Act, Salem** and on further conditions that:

.Page 3 of 6



CrI.OP.No.10026 of 2023

[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 daily morning at 10.30 a.m. and evening at 05.30 p.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation (OR) 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

04.05.2023

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To

- 1.The Special Court for POCSO Act,
Salem.
- 2.Inspector of Police,
Mecheri Police Station,
Salem Dt.
- 3.Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai



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G.K.ILANTHIRAIYAN, J.

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