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Crl.O.P.No.10832 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2023

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.10832 of 2023

Ranjith @ Ranjithkumar

... Petitioner/Accused

Vs.

State Rep by
The Inspector of Police,
All Women Police Station,
Dharmapuri.
(Crime No.04 of 2023)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.04 of 2023 on the file of
the respondent police.

For Petitioner : Mr.D.Mario Johnson
For Respondent : Mr. E.Raj Thilak
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 27.02.2023, for the offences punishable under Sections 363 of IPC, 5(I),
5(J)(ii) r/w Section 6, 3, 4 of POCSO Act in Crime No.04 of 2023 on the file
of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner, after having love affair with the *de facto* complainant who is aged 15 years, had physical intimacy and due to which she conceived and become pregnant of five months. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that in statement under Section 164 Cr.P.C. recorded from the victim girl, she had admitted that she had gone with the petitioner on her own. Hence he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that based on the confession statement of the victim, the petitioner has been arrested and medical examination is yet to be conducted. He further submitted that the if the petitioner is released on bail there may be chances of tampering of witnesses and endanger to the life of the victim girl.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.



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6. It is seen from the above discussion that the victim had not reported about the alleged offence till she found out that she was pregnant. The petitioner's age and the victim's age suggest that a love affair cannot be ruled out. Considering the above facts, nature of the allegation and the petitioner's incarceration from 27.02.2023, this Court is inclined to grant bail to the petitioner on the following conditions:

[a] 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 sureties**, for a like sum to the satisfaction of the **learned Fast Track Mahila Court, Dharmapuri.**

[b] 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;

[c] the petitioner shall report before the respondent police daily at 10.30a.m., until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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



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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]***;

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

11.05.2023

bkn/ssr

To

1. The Fast Track Mahila Court, Dharmapuri.
2. The Inspector of Police,
All Women Police Station,
Dharmapuri.
3. The Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN,J.,

bkn/ssr

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