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Crl.O.P.No.11053 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.11053 of 2023

Murugan

... Petitioner/Accused

Vs.

State Rep by
The Inspector of Police,
Polur – All Women Police Station (AWPS),
Thiruvannamalai District.
(Crime No.01 of 2023)

... Respondent/Complainant

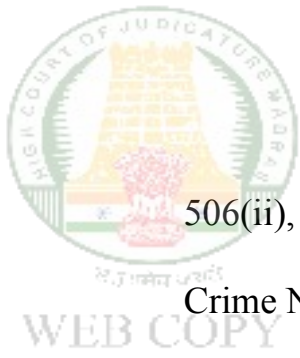
PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.01 of 2023 in Special
Court POCSO Act, Thiruvannamalai in Spl.S.C.No.20 of 2023 on the file of
the respondent police.

For Petitioner : Mr.E.Sathiyaraj

For Respondent : Mr. E.Raj Thilak
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 28.01.2023, for the offences punishable under Sections 376(2)(n), 506(ii)
of IPC r/w Section 5(j)(ii), 5(1), 6(1) of POCSO Act r/w Sections 376(2)(n),



506(ii), 366, 376(3) of IPC r/w Section 5(j)(ii), 5(1), 6(1) of POCSO Act in Crime No.01 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had sexual intercourse with the victim girl who is aged 15 years and threatened the girl not to disclose the same to anyone. 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 it is the case of consensual relationship between the petitioner and the victim girl. He further submitted that the very fact that the victim girl has not lodged any complaint immediately after the occurrence, shows that the alleged occurrence is not true. Hence he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that this is the 2nd bail petition. He further submitted that Statement under Section 164 Cr.P.C. has been recorded from the victim girl and final report has also been filed in Spl.S.C. No.20 of 2023. If the petitioner is released on bail, there may be chances of tampering



witnesses.

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

6. Considering the above facts and circumstances of the case and the fact that Statement under Section 164 Cr.P.C. has been recorded from the victim girl and final report has been filed in Spl.S.C. No.20 of 2023 and also considering the period of incarceration suffered by the petitioner, 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 Special Court for Exclusive Trial of Cases under POCSO Act at Thiruvannamalai.**

[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;



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

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[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 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 Special Court for Exclusive Trial of Cases
under POCSO Act at Thiruvannamalai
2. The Inspector of Police,
Polur – All Women Police Station (AWPS),
Thiruvannamalai District.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN,J.,

bkn/ssr

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