



Crl.O.P.No.11624 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.11624 of 2023

1.Arumuga Kani

2.Penyameen Pon Josuva

3.Esakkiyammal

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal District.

(Crime No.187 of 2022)

... Respondent

Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to grant bail to the petitioners in Crime No.187 of 2022, on the file of
the Inspector of Police, Tiruchengode Rural Police Station, Namakkal
District.

For Petitioners : Mr.D. Veerakumar

For Respondent : Mr.N. Muthuvel,
Government Advocate (Crl. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 04.04.2023, in connection with Crime No.187 of 2022 registered for the offence punishable under Sections 366 of IPC, 9 of PCM Act and 5(1) r/w 6(1) and 17 of POCSO Act, 2012, seek bail.

2. The case of the prosecution is that the first accused has committed sexual assault on a minor girl. The petitioners herein, who have been arrayed as A2 to A4, are the relatives of the first accused. Hence the complaint.

3. Learned counsel for the petitioners submitted that the petitioners are the relatives of the first accused and they have no knowledge about the relationship between the first accused and the victim minor girl. He submitted that the petitioners are innocent and have been falsely implicated into this case. He further submitted that the petitioners are no way connected with the alleged offence and they are in judicial custody from 04.04.2023. He further submitted that the first accused has been released on bail vide order of this Court dated 31.10.2022. He also submitted that the petitioners are ready and



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willing to furnish solvent sureties and to abide by any stringent condition that may be imposed on them. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Criminal Side) appearing for the respondent submitted that there are totally four accused in this case and the petitioners are arrayed as A2 to A4. He further submitted that the first accused kidnapped the minor girl, sexually assaulted her and thereafter married her. Hence, he strongly opposed for grant of bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on condition that they execute a separate 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 Judicial Magistrate No.I, Namakkal,**



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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 petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders, without fail;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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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Sni/Hvk



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To

- 1.The Judicial Magistrate No.I,
Namakkal.
- 2.The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal District.
3. The Central Prison,
Namakkal.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

Sni/Hvk

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