



Crl.OP.No.14173 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.OP.No.14173 of 2023

Pormannan

..Petitioner

Vs.

The State Rep by
The Inspector of Police,
Krishnapuram Police Station,
Dharmapuri,
Crime No.27 of 2023

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.27 of 2023 pending investigation on the file of the Inspector of Police, Krishnapuram Police Station, Dharmapuri.

For Petitioner : Mr.G.Selvaraj

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.03.2023 for the offences punishable under Sections 363, 366 of I.P.C, Section 9 of Prohibition of Child Marriage Act and 5 (I), 6 of POCSO Act in Crime No.27 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner and victim girl fell in love and now petitioner is facing this case. Petitioner is in judicial custody from 25.03.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Government Advocate (Crl. Side) submitted that, victim girl is aged 15 years and petitioner is 29 years. They had love affair and victim girl eloped with the petitioner. Investigation in this case is completed and final report is filed and it is yet to be taken on file.



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4. In the facts and circumstances stated by the learned counsel appearing for parties, that this is a case of love affair though there is 14 years age difference between petitioner and victim girl, this Court considering the fact that investigation in this case is over, petitioner is in judicial custody from 25.03.2023, is inclined to grant bail to the petitioner.

5. 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 Session Judge cum Fast Track Mahila Court, Dharmapuri, 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 daily at 10.30.a.m., until further orders.



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[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.

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To

1. Session Judge cum Fast Track Mahila Court, Dharmapuri.

2. The Inspector of Police,
Krishnapuram Police Station,
Dharmapuri.

3. Sub Jail
Dharmapuri

4. The Public Prosecutor,
High Court of Madras



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