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Crl.O.P.No.16555 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM

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

Crl.O.P.No.16555 of 2023

Santhosh Kumar

...Petitioner

Vs.

State Rep. by Inspector of Police,
All Women Police Station,
Pennagaram.
(Crime No.14 of 2023).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.14/2023, pending investigation on the file of the Respondent.

For Petitioner : Mr.A.Prabhakaran

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.06.2023 for the offences punishable under Sections 363 of



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IPC, 5(I), 5(j)(ii), 6(1) of POCSO Act 2012 and Section 9 of the Child Marriage Act in Crime No.14 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner and the victim girl were in love with each other. Now, petitioner is made as an accused in Crime No.14 of 2023 registered for the offence under Sections 363 of IPC, 5(I), 5(j)(ii), 6(1) of POCSO Act 2012 and Section 9 of the Child Marriage Act. Thus, he prays for grant of bail.

3. In response, the learned Additional Public Prosecutor submitted that, victim girl and the petitioner were in love with each other. Petitioner had sexual relationship with the victim girl, resulting in victim girl becoming pregnant. The 164 Cr.P.C. statement of the victim girl was recorded and her medical examination is over.

4. Considering the facts and circumstances of the case, where it is alleged that in a love affair between the petitioner and the victim girl, petitioner had indulged in sexual relationship, resulting in victim girl becoming pregnant and that 164 Cr.P.C. statement of the victim girl was



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recorded and medical examination of the victim girl is over and the petitioner is under judicial custody from 04.06.2023 and the material part of the investigation is over, this Court is inclined to grant bail to the petitioner. 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 **Fast Track, District 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.

[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.



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[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.

26.07.2023

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To

- 1.The Fast Track,
District Mahila Court,
Dharmapuri.
- 2.Sub-Jail,
Dharmapuri.
- 3.The Inspector of Police,
All Women Police Station,
Pennagaram.
- 4.The Public Prosecutor,
High Court of Madras.

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