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Crl.O.P.No.16805 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

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

Crl.O.P.No.16805 of 2023

M.Veeramuthu

...Petitioner

Vs.

The State represented by
The Inspector of Police,
AWPS-Udumalpet Police Station,
Tirupur District.
Crime No.6 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner herein on bail in connection with the Crime No.6 of 2023 on the file of the respondent/police.

For Petitioner : Mr.S.Kingston Jerold

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 24.04.2023 for the offences punishable under Sections 506(i) IPC and Section 5(i) r/w 6 and 5(j)(ii) r/w 6 of POCSO Act, 2012 in Crime No.6 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is implicated as an accused in Crime No.6 of 2023 for the offences under Sections 506(i) IPC and Section 5(i) r/w 6 and 5(j)(ii) r/w 6 of POCSO Act, 2012. Victim had illicit relationship with the her sister's husband. Victim girl has given a false case implicating the petitioner. Petitioner is in judicial custody from 24.04.2023. Petitioner is innocent. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor, opposes this petition, on the ground that, petitioner had sexual relationship with victim girl, on the promise of marriage. Victim girl is aged 17 years and petitioner is 21 years. Statement of victim girl under Section 164 Cr.P.C is recorded. Medical examination was also over. Petitioner was pregnant and the foetus got aborted. The reading of the 164 Cr.P.C of the victim



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girl shows that, she was already sexually abused by her sister's husband Thangaraj. She had also informed this to the petitioner. Then, it is said that, she had also sexual relationship with the petitioner, on the promise of marriage. Even, after having sexual relationship with the petitioner, it is said that, her sister's husband gave her liquor and she did not know, whether her sister's husband had sexual relationship with her, for the reason that, she was under the influence of alcohol. The Statement under Section 164 Cr.P.C of the victim girl shows that, there is a possibility that victim girl's uncle Thangaraj had sexual relationship with her, after making her to consume alcohol.

4. Considering the nature of the incident and also the fact that petitioner is in judicial custody from 24.04.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner and 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 **Mahaleer Neethimandram Fast Track of**



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Tirupur 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.

[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].



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[f] If the accused thereafter absconds, a fresh

FIR can be registered under Section 229A IPC.

27.07.2023

gd

To

1.The Mahaleer Neethimandram Fast Track of Tirupur.

2.The Sub-Jail, Tiruppur.

3.The Inspector of Police,
AWPS-Udumalpet Police Station,
Tirupur District.

4.The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN. J.



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