



Crl.O.P.No.17017 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

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

Crl.O.P.No. 17017 of 2023

Arunkumar

...Petitioner

Vs.

The State Represented by,
The Inspector of Police,
AWPS Nannilam,
Tiruvarur District.
Crime No.05 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.05 of 2023 on the file of the respondent police.

For Petitioner : Mr.D. Padmanabhan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.07.2023 for the offences punishable under Section 366 (A) I.P.C r/w Section 5(1), 6 of POCSO Act, 2012 in Crime No.05 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 and they got eloped. Petitioner is in judicial custody from 03.07.2023. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor submitted that, victim girl and the petitioner were in love with each other and they eloped. The statement of the victim girl under Section 164 of Cr.P.C., was recorded and the medical examination of the victim girl was also over.

4. The statement of the victim girl under Section 164 of



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Cr.P.C., shows that, she was in love with the petitioner and that was not approved by her family members. Infact, her brother had broken her head for speaking with the petitioner.

5. Considering the fact that the victim girl in her statement under Section 164 of Cr.P.C., has not stated about the sexual assault by the petitioner and having regard to the fact that, petitioner is in Judicial Custody from 03.07.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

6. Accordingly, 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 **District Munsif cum Judicial Magistrate, Valigaiman, Thiruvarur District** and on further conditions that :-

[a] the sureties shall affix their photographs and



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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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



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To

1. District Munsif cum Judicial magistrate,
Valigaiman, Thiruvarur District.
2. Sub-Jail,
Nagapattinum
3. The Inspector of Police,
All Women Police Station, Nannilam,
Tiruvarur District.
4. The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN. J.

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