



CrI.OP.No.17003 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.08.2023

CORAM

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

CrI.OP.No.17003 of 2023

Ramamoorthy

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
All Women Police Station,
Cheyyar, Thiruvannamalai District.
Crime No.04 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.04 of 2023 pending
investigation on the file of the respondent police.

For Petitioner : Mr.R.Thamaraiselvan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.07.2023 for the offences punishable under Sections 376(3), 376(2)(n) and Section 5(i), 5(j)(ii) and Section 6(1) of POCSO Act in Crime No.04 of 2023, on the file of the respondent police seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is the maternal uncle of the victim girl. Infact, both willingly had sexual relationship between them. As a result, victim girl got conceived. Now, petitioner is arrested in this case and he is in judicial custody from 01.07.2023. Thus, he seeks bail to the petitioner.

3. In response, learned Government Advocate (Crl. Side) submitted that, petitioner is aged about 36 years and the victim girl is aged about 16 years. On the promise of marrying the victim girl, he committed penetrative sexual assault against the victim girl. As a result, victim girl got conceived.



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4. The reading of the FIR allegations shows that, petitioner is the maternal uncle of the defacto complainant/victim girl. Despite taking several efforts, petitioner was not able to find a match for him. Thereafter, victim girl expressed her willingness to marry the petitioner. However, that was not acceded by her parents. Thus, on 18.08.2022, petitioner had sexual relationship with the victim girl and thereafter on various occasions. As a result, she got conceived. Even in the statement of the victim girl recorded under Section 164 of Cr.P.C., same allegations were made. Thus, it is clear that, victim girl willingly had sexual relationship with the petitioner. Though, her consent is not valid in law, taking into consideration the facts and circumstances of the case and the fact that the petitioner is in Judicial Custody from 01.07.2023 and recording the statement of the victim girl under Section 164 of Cr.P.C., and the medical examination of the victim girl are over and that material part of the investigation is completed, this Court 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



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of the learned **Special Court (POCSO Cases), Thiruvannamalai,**
Thiruvannamalai 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

01.08.2023

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To

1. Special Court (POCSO Cases),
Thiruvannamalai, Thiruvannamalai District.
2. The Inspector of Police,
All Women Police Station,
Cheyyar, Thiruvannamalai District.
3. Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

Sma

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