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Crl.O.P.No.18041 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. 18041 of 2023

Sathish M

...Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Varanjaram Police Station,
Kallakurichi District.
Crime No.98 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.98 of 2023 on the file of the respondent police.

For Petitioner : Mr.T. Mahavishnu
for E.Elavazhagan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.07.2023 for the offences punishable under Sections 366, 344, of IPC r/w. 5(I), 6 of POCSO Act in Crime No.98 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 lovers. Petitioner is in judicial custody from 24.07.2023. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor submitted that, petitioner and the victim girl 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 reading of the statement of the victim girl under Section 164 of Cr.P.C., shows that, victim girl was in love with the petitioner for more than six years. Petitioner, stating that they are going to married, had physical relationship with her. One week thereafter, he had taken her to



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Chennai and stayed together in his friend's house for one day and thereafter they were roaming in several places for about 13 days.

5. From the statement of the victim girl under Section 164 of Cr.P.C., it is evident that, there was a love affair between the petitioner and the victim girl and that she was roaming with him at several places for a period of about two weeks. Petitioner is in Judicial Custody from 24.07.2023 and that the material part of the investigation might have been over by this time. Thus, 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 **Sessions Judge, Special Court for Exclusively trial of cases under the POCSO Act, Villupuram** and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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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. Sessions Judge

Special court for Exclusively trial of cases under the POCSO Act,
Villupuram.

2. Central Prison,
Cuddalore

3. The Inspector of Police,
Varanjaram Police Station.
Kallakurichi District.

4. The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN. J.



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