



Crl.OP.No.17967 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

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

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...Petitioner

Vs.

The State Rep by
The Inspector of Police,
All Women Police Station,
Thiruthani,
Thiruvallur District.
(Crime No.9 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying that the petitioner may be enlarged on bail in Cr.No.9 of 2023
pending on the file of the Inspector of Police, All Women Police Station,
Thiruthani, Thiruvallur District.

For Petitioner : Mr.R.Rajan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.07.2023 for the offences punishable under Sections 363, 365, 366, 376 (1) of I.P.C. and r/w 4 (1) of the POCSO Act, in Crime No.9 of 2023 on the file of the respondent police, seeks bail.

2.It is the submission of the learned counsel for the petitioner that petitioner was in love with victim girl who was aged 17 and ½ years. They had sexual relationship. Now the petitioner is implicated as accused in Crime No.9 of 2023 for the offences under Section 363, 365, 366, 376 (1) of I.P.C. and r/w 4 (1) of the POCSO Act. He is in judicial custody from 06.07.2023. Hence, he seeks bail.

3.In response, the learned Additional Public Prosecutor submitted that defacto-complainant, the mother of the victim girl gave a complaint alleging that the petitioner in this case had compelled the victim girl to love him and then had penetrative sexual relationship with her, despite resistance from the victim girl. Section 164 Cr.P.C. statement of victim



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girl was recorded and medical examination was over.

4.Considered the rival submissions and perused the records.

5.Though, it is alleged in the First Information Report that petitioner compelled the victim girl to love him and had penetrative sexual assault by coercion and compulsion, in Section 164 Cr.P.C. statement of the victim girl, she did not say that petitioner had penetrative sexual relationship with her under coercion and compulsion. She has stated that she was in love with him for the past three years.

6.In the said circumstances and having regard to the fact that petitioner is in judicial custody from 06.07.2023 and that material part of investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner with conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/-** (Rupees Ten Thousand only) with **two sureties**, each for a like sum to the satisfaction of the



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District Mahila Court, Thiruvallur, 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 at 10.00.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.The District Mahila Court,
Thiruvallur.

2.The Inspector of Police,
All Women Police Station,
Thiruthani,
Thiruvallur District.

3.Central Prison, Puzhal, Chennai

4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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