



Crl.OP.No.18648 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.08.2023

CORAM

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

Crl.OP.No.18648 of 2023

Sabrinayagan

..Petitioner

Vs.

The State Rep by,
The Inspector of Police,
Thiruturaiipoondi Police Station,
Thiruvarur District.
Crime No.537 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.537 of 2023 on the
file of the respondent police.

For Petitioner : Mr.P.Muthamihselvakumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.07.2023 for the offences punishable under Sections 366(A) of IPC read with Section 4(2), 5(I), 6 of Protection of Children from Sexual Harassment Act in Crime No.537 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. Now, the case is instituted against the petitioner. Petitioner is in Judicial Custody from 22.07.2023. Thus, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor submitted that, defacto complainant is the mother of the victim girl. Victim girl was in love with the petitioner. On coming to know this, she reprimanded her daughter. From 01.07.2023, her daughter was missing and therefore, she gave a complaint before the respondent police. The statement of the victim girl under Section 164 of Cr.P.C., was recorded and medical examination of the victim girl was also over.

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



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164 of Cr,P.C., shows that, victim girl was in love with the petitioner for more than three years. After coming to know about this, family members of the victim girl had scolded the victim girl. Petitioner promised to marry the victim girl and had sexual relationship with the victim girl.

5. Considering the nature of the relationship between the petitioner and the victim girl and with the consent of the victim girl, petitioner had involved in the sexual relationship with her and also having regard to fact that, petitioner is in Judicial Custody from 22.07.2023 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, 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 Additional Mahila Court (Magisterial Level) Thiruvarur 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 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].

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

22.08.2023

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To

1. Additional Mahila Court (Magisterial Level) Thiruvarur



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2. The Inspector of Police,
Thiruturaipoondi Police Station,
Thiruvarur District.

3. District Prison,
Thiruvarur.

4. The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN. J.



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