



Crl.O.P.No.18760 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.18760 of 2023

Suresh

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
AWPS-Kallakurichi,
Kallakurichi District.
Crime No.09 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.09 of 2023 on the
file of the respondent.

For Petitioner : Mr.A.Gowtham

For Respondent : Mr.S.Rajakumar,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.06.2023 for the offences punishable under Sections 366, 450 of IPC, Sections 5(I), 6 of POCSO Act, in Crime No.09 of 2023, on the file of the respondent police seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as accused in Cr.No.09 of 2023 for the offences under Sections 366, 450 of IPC, Sections 5(I), 6 of POCSO Act. He is in Judicial Custody from 19.06.2023 and thus, he seeks bail.

3.In response, learned Additional Public Prosecutor submitted that, petitioner made the victim girl to believe that he love her and had sexual relationship with her. Later, it was found that he was already married. Section 164 Cr.P.C statement of the victim girl was recorded and medical examination was also over.

4.Considered the rival submissions and perused the records.



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5.It is seen from Section 164 Cr.P.C statement of victim girl, that there was a fight between victim girl's mother and petitioner on 12.06.2023 at about 7.00 p.m. The reason for the fight is that victim girl's mother saw petitioner and victim girl talking each other near their village lake at about 04.00 p.m. Victim girl was in love with petitioner from 2021. He had sexual relationship with her on 10.10.2021, on compulsion. Then, she came to know that he was already married.

6.In the light of the Section 164 Cr.P.C statement, it is seen that victim girl was in love with the petitioner from 2021 and then petitioner had physical relationship with her. Petitioner is in judicial custody from 19.06.2023. The substantial part of investigation might have been completed by this time. In such circumstances, this Court is inclined to grant bail to the petitioner.

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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**learned Sessions Judge, Special Court for Exclusively Trial of cases
under 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 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 10.00.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.

23.08.2023



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To

- 1.The Sessions Judge,
Special Court for Exclusively Trial of cases under POCSO Act,
Villupuram
- 2.The Inspector of Police,
AWPS-Kallakurichi,
Kallakurichi District.
- 3.Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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