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Crl.O.P.No.19605 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.19605 of 2023

Srikanth

...Petitioner

Vs.

State Rep by
The Station House Officer,
Dhanvantri Nagar Police Station,
Puducherry.
(Crime No.130/2023)

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.130 of 2023.

For Petitioner : Mr.A.Anandharaj

For Respondent : Mr.K.S.Mohandoss
Public Prosecutor, Puducherry.
Assisted by N.Danalatchoumy.

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 27.06.2023 for the offences punishable under Section 363 IPC altered
into Sections 366 IPC and 9 of Child Marriage Act and Section 6 of



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POCSO Act, in Crime No.130 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 in love with each other. Since their family members opposed their love, they gone out of the house. On the complaint given by the defacto complainant, this case was registered against the petitioner, in Crime No.130 of 2023, for the offences under Section 363 IPC altered into Sections 366 IPC and 9 of Child Marriage Act and Section 6 of POCSO Act. Thus, he seeks bail for the petitioner.

3.In response, the learned Public Prosecutor submitted that petitioner is aged 21 years and the victim girl is aged 16 years. They were in love with each other. They had gone out of the house and petitioner had sexual intercourse with the victim girl. The statement of the victim girl was recorded. Medical examination was also over.

4.Section 164 Cr.P.C. statement of the victim girl shows that she



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was in love with the petitioner for three years. Their parents opposed their love stating that both belong to different caste. On 26.06.2023, she eloped with the petitioner and went to Palani. They got married at Palani and stayed in a lodge and had sexual relationship.

5.It is seen from Section 164 Cr.P.C. statement of the victim girl that the victim girl had gone on her own with the petitioner. Taking into consideration all these aspects and that material part of the investigation in this case is completed and that petitioner is in judicial custody from 27.06.2023, this Court is inclined to grant bail to the petitioner with conditions and 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 Judicial Magistrate – I, Puducherry** 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.



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[b] the petitioner shall report before the respondent police daily morning 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.The Judicial Magistrate – I,
Puducherry.

2.The Station House Officer,
Dhanvantri Nagar Police Station,
Puducherry.
(Crime No.130/2023)

3.The Central Prison,
Puducherry.

4.The Public Prosecutor,
Puducherry.

G.CHANDRASEKHARAN. J.



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