



Crl.O.P.No.20364 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

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

Crl.O.P.No.20364 of 2023

Thangaraj

...Petitioner

Vs.

State Rep by
The Inspector of Police,
All Women Police Station,
Udmalpet Police Station,
Tiruppur.
(Cr.No.06 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Cr.No.06 of 2023 on the file of the respondent Police.

For Petitioner : Mr.Deepanuday

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.04.2023 for the offences punishable under Section 506 (1) of I.P.C and 5 (j) (ii), 5 (1) and 6 of POCSO Act, in Cr.No.06 of 2023 on the file



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of the respondent Police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is implicated an accused in Crime No.06 of 2023 for the offences under Sections 506 (1) of I.P.C and 5 (j) (ii), 5 (1) and 6 of POCSO Act. He is in judicial custody from 24.04.2023. Thus, he prays for grant of bail.

3.In reply, the learned Additional Public Prosecutor, opposes this petition, on the ground that, petitioner had sexual relationship with victim girl, on the promise of marriage. Victim girl is aged 17 years and petitioner is 29 years. Statement of victim girl under Section 164 Cr.P.C is recorded. Medical examination was also over. Petitioner gave victim girl liquor and she did not know, whether petitioner had sexual relationship with her, for the reason that, she was under the influence of alcohol. Therefore, he prays for dismissing the petition.

4.Considered the rival submissions and perused the records.

5.The reading of the 164 Cr.P.C statement of victim girl shows that



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on 02.10.2022, petitioner had given liquor to the victim girl and kissed in her cheek and placed his hands on her chest. Therefore, she jumped into the canal. When she woke up, she was in house and was informed by her sister that petitioner had taken her from canal and brought home. Then, she stated about the love affair with Veeramuthu. Again it was said that petitioner used to give liquor repeatedly and she did not know whether petitioner had sexual relationship with her. Because, she was under the influence of alcohol.

6.The reading of the 164 Cr.P.C. statement of the victim girl shows that she was not definite about petitioner having sexual relationship with her. Though, she was very clear about Veeramuthu having sexual relationship with her. Petitioner is in judicial custody from 24.04.2023. The material part of investigation in this case might have been completed by this time. In the said circumstances, this Court is inclined to grant bail to the petitioner with conditions.

7.Accordingly, petitioner is ordered to be released on bail on his



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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, Magalir Neethi Mandram (Fast Track Mahila Court) at Tiruppur**, 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 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



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can be registered under Section 229A IPC.

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To

- 1.The Session Judge, Magalir Neethimandram,
(Fast Track Mahila Court)
Tiruppur
- 2.Central Prison,
Coimbatore.
- 3.The Inspector of Police,
All Women Police Station,
Udmalpet Police Station,
Tiruppur.
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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