



Crl.O.P.No.21552 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

**Crl.O.P.No.21552 of 2023**

Hariharan

...Petitioner

Vs.

The State Rep by  
The Inspector of Police,  
AWPS Nannilam,  
Nannilam,  
Tiruvarur District.  
Crime No.339 of 2023.

...Respondent

**PRAYER:** Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in pending investigation in Crime No. 339 of 2023 on the file of the respondent police.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.S.Rajakumar  
Additional Public Prosecutor

**ORDER**



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The petitioner, who was arrested and remanded to judicial custody on 07.06.2023 for the offence punishable under Sections 5(I), 5(j) (ii) and 6 of POCSO Act 2012 in Crime No.339 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 an accused for the offences punishable under Sections 5(I), 5(j) (ii) and 6 of POCSO Act 2012 in Crime No.339 of 2023. Petitioner is in Judicial Custody from 07.06.2023. He had physical relationship with the victim girl only with her consent. Thus, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor submitted that, petitioner is aged 23 years and the victim girl is aged 15 years. Though they were in love with each other, the petitioner had forcible sexual relationship with her. Section 164 Cr.P.C statement of the victim girl was recorded and medical examination is also over.

4. Considered the submissions and perused the records.



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4.1. This is the second bail petition filed by the petitioner. Earlier bail petition filed by the petitioner in Crl.O.P.No.18022 of 2023 was dismissed on 09.08.2023, for the reason that, investigation in this case is not completed. It is now informed by the learned Additional Public Prosecutor that, investigation in this case is completed and final report is filed. Considering all these facts, and the fact that petitioner is in judicial custody from 07.06.2023, 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 District Munsif cum Judicial Magistrate Valigaiman, Thiruvavarur District** 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



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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.

**20.09.2023**

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To

1.The District Munsif cum Judicial Magistrate Valigaiman, Thiruvarur District.

2.The Inspector of Police,  
AWPS Nannilam,  
Nannilam,  
Tiruvarur District.

3.The Sub-Jail, Nagapattinam.

4.The Public Prosecutor,  
High Court of Madras

**G.CHANDRASEKHARAN. J.**



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