



Crl.OP.No.24593 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.OP.No.24593 of 2023

Devaraj S/o. Chinnasamy

... Petitioner/Accused

Vs.

State by
The Inspector of Police,
Marandahalli Police Station,
Dharmapuri District.

(Crime No.201 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner on bail concerned in Crime No.201 of
2023 pending on the file of the respondent police.

For Petitioner : Mr.D.Rameshkumar

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.09.2023 for the offences punishable under Sections 363 & 366 of IPC and Section 5(1)(j)(ii) r/w Section 6(1) of POCSO Act, 2012, and Section 9 of Prohibition of Child Marriage Act, 2006, in Crime No.201 of 2023, seeks bail.

2. The petitioner is aged 27 years while the victim was a minor. It is stated that owing to the physical relationship, she had also become pregnant. At that time, the complaint was lodged.

3. The statement under Section 164 Cr.P.C., of the victim had been recorded and the same had been perused by this Court.

4. Taking into consideration all these facts and the period of incarceration suffered by the petitioner herein, I am inclined to grant bail to the petitioner subject to the following conditions:

5. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction



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of the Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri, 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 10.30 a.m till filing of the charge sheet before the trial Court.

[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.

30.10.2023

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C.V.KARTHIKEYAN. J.

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To

- 1.The Special Court for Exclusive Trial of Cases under POCSO Act,
Dharmapuri.
- 2.Sub-jail, Dharmapuri.
- 3.The Inspector of Police,
Marandahalli Police Station,
Dharmapuri.
- 4.The Public Prosecutor,
High Court of Madras.

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