



CrI.O.P.No.26315 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM

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

CrI.OP.No.26315 of 2023

Praveen Kumar

...Petitioner

Vs.

State rep by,
The Inspector of Police,
All Women Police Station,
Tiruthuraipoondi,
Tiruvarur District.
(Crime No.10 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.10 of 2023 on the file of the respondent police.

For Petitioner : Mr.R.Naresh kumar for Mr.N.Palanivel
For Respondent : Mr.R.Kishore Kumar
Government Advocate (CrI.Side)

ORDER

The petitioner seeks bail in Crime No.10 of 2023 registered by the respondent Police for the offences under Section 5 (I), 6 of POCSO Act, 2012.

The petitioner was remanded to judicial custody on 10.10.2023.



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2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

3. The statement of the victim child had been recorded under Section 164 (5) Cr.P.C. This Court had perused the same. It would only be appropriate that it is put to test during the course of trial. It is also stated that the victim child is now six months pregnant.

4. But, however, taking into consideration the statement made by her in the statement recorded under Section 164 (5) Cr.P.C., without entering into any further examination of the facts, the petitioner herein is granted bail subject to the following conditions. The petitioner must also voluntarily submit himself for medical examination and must also give sample for conducting DNA test.

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 of the **Judicial Magistrate, Tiruthuraipoondi**, and on further conditions that:



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[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 everyday at 10.00 a.m. until further orders.

[c] the petitioner may also deposit a sum of Rs.50,000/- to the credit of crime No.10 of 2023. On such deposit, the learned **Judicial Magistrate, Tiruthuraipoondi** shall deposit the said amount in an interest bearing fixed deposit scheme with auto renewal facility, in a nationalised bank and after the child is born to the victim child, open an account in the name of the child and the amount to be kept in further deposit atleast for further five years.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the



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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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

07.12.2023

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To

1. The Judicial Magistrate, Tiruthuraipoondi.

2.The Inspector of Police,
All Women Police Station,
Tiruthuraipoondi,
Tiruvarur District.
(Crime No.10 of 2023)

3.The District Prison, Nagapattinam.

4.The Public Prosecutor, Madras High Court.



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C.V.KARTHIKEYAN, J.

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