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Crl.O.P.No. 29044 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.29044 of 2023

Ayyappan

... Petitioner

Vs.

State Rep.by
The Inspector of Police,
Nannilam Police Station,
Thiruvavarur District.
Crime No.526/2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime
No.526 of 2023 on the file of the respondent.

For Petitioner : Mr.T.Muruganantham

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor.

ORDER

The petitioner who was arrested and remanded to judicial custody
on 03.10.2023, seeks bail in Crime No.526 of 2023, which was registered by
the respondent Police for the offences under Sections 363, 361 of IPC, 5(1), 6



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of POCSO Act, 9 of Prohibition of Child Marriage Act.

2.The case of the prosecution is that the petitioner had kidnapped the victim girl aged about 15 years, contracts child marriage and committed aggravated penetrative sexual assault on several occasions. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been in judicial custody from 03.10.2023. He also submitted that investigation has been completed and the charge sheet has been filed. Hence, he seeks for granting bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent submitted that due to love affair, the petitioner had kidnapped the victim girl aged about 15 years, contracts child marriage and committed aggravated penetrative sexual assault on several occasions. She further submitted that the investigation has been completed and the charge sheet has also been filed.



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Hence, she opposed for granting of bail to the petitioner.

5.Heard both side and perused the materials available on record.

6.Considering the rival submissions made on either side and taking into consideration the period of incarceration undergone by the petitioner and also taking note of the fact that the victim girl was secured and investigation was completed and charge sheet was filed, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] 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 Additional Mahila Court (Magistrate Level), Thiruvarur and on further conditions that:

[b] the petitioner shall report before the Additional Mahila Court (Magistrate Level), Thiruvarur, daily at 10.00a.m., untill further orders.

[c] the petitioner shall not commit any offences of similar nature.



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[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 learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

28.12.2023

Vv/vca

To

1. The Additional Mahila Court (Magistrate Level),
Thiruvvarur
2. The Inspector of Police,
Nannilam Police Station,
Thiruvvarur District.
3. The Central Prison, Trichy
4. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

Vv/vca

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