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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.6321 of 2023

Kalaivani, ... Petitioner/Petitioner/Accused No.8

Vs

State Rep.by
The Inspector of Police,
Othakadai Police Station,
Madurai District.
Crime No. 256 of 2022.

... Respondent/Respondent/Complainant

For Petitioner : M/s.Sundhareshwar V.B., Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 256 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner /A8 who was arrested and remanded to judicial custody on 31.12.2022 for the offence under sections 9,10 of Prohibition of Child Marriage Act and Sections 5(1),6,7,8,16,17 of Protection of Children from Sexual offences Act in Crime No.256 of 2022 on the file of the respondent police seeks bail.

2. Originally the case was registered as Girl Missing and later during investigation it came to light that the A1 enticed the victim girl and committed aggravated penetrative sexual assault on the minor victim. Infact A1 had sexual contact with the mother of the victim. Further A2 also alleged to have committed aggravated penetrative sexual assault on the victim girl. In the meantime A1
https://www.mca.gov.in/audis
and A3 also



committed aggravated penetrative sexual assault on the victim. A4 to A7 performed the marriage of the victim with A3 on 30.10.2022. Further A8 has abetted for commission of aggravated penetrative sexual assault between her daughter and A1 to A3, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report and also the statement of the victim recorded under section 164 of Cr.P.C.

4. A perusal of the statement of the victim recorded under section 164 of Cr.P.C reveals the fact that the petitioner had developed illegal intimacy with one Annamalai who is also arrayed as accused. Utilizing the said circumstances the said Annamalai has also developed illegal relationship with the victim. The petitioner had compelled her to get money from the said persons. In the meanwhile the victim fell in love with one Karthik and now she got married with him and living separately. Taking into consideration of the facts and submissions made by the learned counsels and also the period of incarceration this court is 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 learned Special Judge for trial of offences under the POCSO Act, Madurai and on further conditions that:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 am., and 5.30 pm., for a period of four weeks and thereafter as and when required for interrogation.

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

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

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

[g] On breach of any of the aforesaid conditions, the learned Judicial 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



[h] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

sd/-
05/04/2023

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05/04/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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AAV
TO

- 1 THE SPECIAL JUDGE,
FOR TRIAL OF OFFENCES UNDER THE POCSO ACT,
MADURAI.
- 2 THE INSPECTOR OF POLICE
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
- 3 THE SUPERINTENDENT,
MADURAI CENTRAL PRISON,
SPECIAL PRISON FOR WOMEN,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.V.B.SUNDHARESHWAR, Advocate SR.No.5474(I) DT:
06/04/2023

ORDER
IN
CRL OP(MD) No.6321 of 2023
Date :05/04/2023

PKP/SSS/SAR- /05.04.2023/ **3P/6C**