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Crl.O.P.No.804 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM

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

Crl.O.P.No.804 of 2024

Danush @ Dhanasekaran
S/o. Dhanapal

... Petitioner / Accused

Vs.

The State represented by
The Inspector of Police,
Thiruvarur All Women Police Station,
Thiruvarur District.
(Crime No.30 of 2023)

... Respondent /Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.30 of 2023 on the file of
the respondent.

For Petitioner : Mr. P.Muthamizh Selvakumar

For Respondent : Mr. L. Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.10.2023 for the offences punishable under Sections 5(I), 5(j)(ii) and 6 of the POCSO Act in Crime No.30 of 2023 on the file of the respondent police, seeks bail.

2.It is the contention of the learned counsel for the petitioner that the petitioner and the victim child were both relatives and by mutual consent of the family members, they got married and a child was also conceived. It is stated that the victim child was admitted to the hospital and taking it as a Medico-legal case, the authorities had informed the respondent, who had registered the First Information Report.

3.It is stated that the statement of the victim child under Section 164(5) Cr.P.C., had also been recorded. It is also stated that the investigation has also been completed and electronically, the charge sheet has been filed on 12.12.2023. The statement of the victim child had also been perused by the Court.

4.Taking all the factors into consideration and the period of incarceration suffered by the petitioner and the fact that the investigation has been completed, this Court is inclined to grant bail to the petitioner.



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5. Accordingly, the petitioner is ordered to be released on bail on executing 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 Sessions Judge, Fast Track Mahila Court, Thiruvarur, 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 appear before the respondent police daily at 10.30 a.m till summons are received from the jurisdictional Court and thereafter, during the Court hearing date.

[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



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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.

22.01.2024

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To

- 1.The Session Judge, Fast Tack Mahila Court, Thiruvavarur.
- 2.The Inspector of Police,
Thiruvavarur All Women Police Station,
Thiruvavarur District.
3. The District Prison, Thiruvavarur.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

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