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Crl.O.P.No.3116 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

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

Crl.O.P.No.3116 of 2024

M. Vijay

... Petitioner

Vs.

State of Tamil Nadu,
Represented by the Inspector of Police,
All Women Police Station,
Nannilam, Thiruvarur District
Crime No.13 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.13 of 2023 on the file of
the respondent Police.

For Petitioner : Mr.A. Arikrishnan

For Respondent : Mr.L. Baskaran
Government Advocate

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 25.11 2023 for the offences registered under Section 5(l) 5(j), (ii), 6 of
POCSO Act in Crime No.13 of 2023 on the file of the respondent police,



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seeks bail.

2.It is stated that the petitioner and the victim girl had married and he has committed aggravated sexual assault on the victim girl.

3.The learned Government Advocate stated that the statement under Section 164 Cr.P.C have been recorded from the victim child and the Court had examined the same.

4.Taking that factor into consideration and the period of incarceration, 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 of the **Additional Mahila Court, Thiruvavur**, 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., until further orders.

[c] the petitioner shall not abscond either during investigation or



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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.

13.02.2024

smn

To

- 1.The **Additional Mahila Court, Thiruvavarur,**
- 2.The District Prison, Nagapattinam District.
- 3.The Inspector of Police,All Women Police Station,
Nannilam, Thiruvavarur District
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN,J.

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