



Crl.O.P.No.5052 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM

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

Crl.O.P.No.5052 of 2024

Arun

...Petitioner/Accused

Vs.

The Inspector of Police,
Anuparpalayam Police Station,
Tiruppur City,
Tiruppur District.
(Crime No.708 of 2023)

...Respondent/Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C No.92 of 2023 on the file of the respondent police.

For Petitioner : Mr.P.Kannankumar

For Respondent : Mr.V.J.Priyadarsana
Govt. Advocate (Crl. Side)



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ORDER

The petitioner seeks bail in S.C.No.92 of 2023 now pending trial before the learned Sessions Judge, Magalir Neethimandram, (FTMC), Tiruppur.

2.Originally, the petitioner was arrested and remanded to judicial custody on 21.06.2023 for the offences punishable under Sections 294(b) and 307 IPC and subsequently, altered to Sections 294(b), 307 and 366(A) of IPC and Section 9 of Child Marriage Act and Sections 5(1), 5(n), 5(j)(ii) r/w Section 6 of Protection of Children from Sexual Offences Act (POCSO) 2012 in Crime No.708 of 2023 on the file of the respondent police.

3.It had been stated that the victim child was at the time of occurrence 17 years and now she is 20 years. A female child had also been born to the victim and the petitioner. Thereafter, there had been a complaint given of harassment.

4.It is stated that the charge sheet had been filed and the same is



pending trial in S.C.No.92 of 2023 before the learned Sessions Judge, Magalir Neethimandram (FTMC) Tiruppur.

5.An affidavit has now been filed by the petitioner, wherein, he had stated as follows:

“3.I most respectfully submit that I was remanded on 26.06.2023 and I am in judicial custody for more than nine months. I further respectfully submit that I have to take care of my old aged parents, who are residing at Marugalkurichi, Nanguneri, Tirunelveli District. Moreover, my wife Mrs.Ilavarasi filed a divorce petition in HMOP.No.418 of 2023 on the file of the Family Court, Tiruppur and the case is posted on 29.04.2024 for my appearance. Unless I am appearing the HMOP proceedings, it may be decided against me as ex-parte.

4.I most respectfully submit that I hereby voluntarily undertake that I will not harm or threat the defeacto complainant, my wife Mrs.Illavarasi in future. Further I will not indulge or disturb the defacto complainant, my wife Mrs.Illavarasi in future.

6.Taking into consideration the fact that the parties have moved over to resolve their issues before the appropriate Court and also



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considering the period of incarceration suffered by the petitioner, I am inclined to grant bail to the petitioner subject to the following conditions:

7. 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 Judicial Magistrate – III, Tiruppur, 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 learned Sessions Judge, Magalir Neethimandram, (FTMC), Tiruppur, daily at 10.30 a.m., till completion of trial, quite apart from Court hearing dates.

[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



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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.

15.04.2024

smv

To

1. The Judicial Magistrate No.III, Tiruppur.
2. The Central Prison, Coimbatore.
- 3.The Inspector of Police,
Anuparpalayam Police Station,
Tiruppur City,
Tiruppur District.
- 4.The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

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