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Crl.O.P.No.8288 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

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

Crl.O.P.No.8288 of 2024

Arivalagan

...Petitioner

Vs.

The State, represented by
The Inspector of Police,
All Women Police Station,
Perambalur.
(Crime No.08/2024)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/Accused on bail in Crime No.08/2024 on the file of the All Women Police Station, Perambalur.

For Petitioner : Mr.S.Siva Kumar

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (crl.side)

ORDER

The petitioner/A1 in Crime No.08 of 2024, registered by the respondent police for the offences under Sections 5(1), 6, 16 and 17 of POCSO Act, 2012, and Sections 363 and 506(1) of IPC and remanded to



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judicial custody on 17.02.2024, seeks bail.

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2. It is stated that the two accused had kidnapped the victim child and this petitioner had sexual relationship with the victim child with promise to marry. The 2nd accused is still absconding.

3. The statement recorded under Section 164(5) Cr.P.C., of the victim child had been perused by this Court.

4. The earlier application seeking bail was dismissed on 11.03.2024 in Crl.O.P.No.5900 of 2024. There has been substantial progress in the investigation. Counter has been filed indicating the same. It had also been stated that medical examination has also been conducted and report also been received.

5. Taking all the factors into consideration, bail is granted to the petitioner subject to the following conditions:



6. 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) each with two sureties, for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Perambalur 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, everyday at 10.30 a.m., until further orders.

[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 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



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can be registered under Section 229A IPC.

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gsa

To

1. The Sessions Judge,
Mahila Court,
Perambalur.
2. The Sub-Jail, Lalgudi.
3. The Inspector of Police,
All Women Police Station,
Perambalur.
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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