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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.9233 of 2024

Jayasuriya

... Petitioner

Vs.

State Rep by.
The Inspector of Police
Gudiyatham All Women Police Station,
Vellore District.
Crime No. 32 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Spl. SC. No. 22 of 2024 pending
on the file of the Special Court for Exclusive Trial of cases under POCSO
Act 2012 crime No. 32 of 2023 on the file of the respondent.-

For Petitioner : Mr.Muthamizh Selvakumar P
For Respondent : Mr.V.Meganathan,
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **05.12.2023** for the alleged offences punishable under Sections 376(2)(n) IPC r/w Section 5(l), 5(j)(ii), 5 (n), r/w 6 of Protection of Children from Sexual Offences Act 2012 **in crime No. 32 of 2023** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stating that the petitioner induced the victim girl who is aged about 16 years and had physical relationship with her and she got pregnant. Hence, the case.

3. Heard both sides.

4. The statement of victim girl under Section 164 Cr.P.C has been recorded, wherein she stated that the petitioner is her close relative and his wife was went to her father's house due to the dispute with the petitioner. While she was in the petitioner's house the petitioner had intimacy with her on her consent. Considering the above and also the investigation is almost



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completed. Hence, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Special Court for Exclusive Trial of cases under POCSO Act 2012, Velore**, 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 dail at 10.30 a.m. until further orders and shall not have any communication with the victim girl;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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T.V.THAMILSELVI,J.

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To

1. The **Special Court for Exclusive Trial of cases under POCSO Act 2012, Vellore.**

2. The Inspector of Police
Gudiyatham All Women Police Station,
Vellore District.

3. The Central Prison, Vellore.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.9233 of 2024

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