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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

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

Crl.O.P.No.15429 of 2024

Alagarsami

... Petitioner

Vs.

State Rep by.
The Inspector of Police
AWPS - Sooramangalam Police Station,
Salem city.
Crime No. 16 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with crime No. 16 of
2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Saravanan
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 29.05.2024 for the alleged offences punishable under Sections **366 IPC @ Section 5(1), r/w 6** of Protection of Children from Sexual Offences Act 2012 **in crime No. 16 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner had committed sexual assault against the victim girl. Hence, the case.

3. The learned counsel for the petitioner submits that out of love affair the petitioner had eloped with the victim girl and now, the petitioner is ready to marry the victim girl. Hence, he prays to allow this petition.

4. The learned Government Advocate (Crl. side) submits that the statement of the victim girl under Section 164 Cr.P.C has been recorded.

5. On perusal of the victim girl statement, out of love affair she eloped with the petitioner. Considering the above and also the investigation is almost completed. Hence, this Court is inclined to grant bail to the petitioner.

6. 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 Principal POCSO Court, Salem** 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 Ranipet Town Police Station on every on alternative days at 10.30 a.m. for a period of three months;

[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 **Principal POCSO Court, Salem.**
2. The Inspector of Police
AWPS - Sooramangalam Police Station,
Salem city.
3. The Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No. 15429 of 2024

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