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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

CORAM

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

Crl.O.P.No. 15645 of 2024

Velmurugan

... Petitioner

Vs.

State Rep by.
The Inspector of Police,
Sankarakupuram Police Station,
Kallakurichi District.
Crime No. 185 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the accused petitioner on bail in crime No. 185 of 2024
on the file of the respondent police.

For Petitioner : Mr. T.Maha Vishnu
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 08.05.2024 for the alleged offences punishable under Section 366(A), 344 IPC and 5(l), 6 of POCSO Act, r/w 9 of Child Marriage Act in **crime No. 185 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner married the victim girl and had committed aggravated penetrative sexual assault against her. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and the petitioner is a blind person. On the other side, the learned Government Advocate (Crl. side) submits that statement of the victim girl has been recorded.

4. Heard both sides and perused the available records.

5. As per the statement of the victim girl recorded under Section 164 Cr.P.C, the victim girl has known that that the petitioner is blind and also a married person. Further, with her consent the petitioner married her



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and had sex with her. As per the prosecution the victim girl was secured and living with her parents. Considering the above, 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 District and Sessions Judge, Kallakurichi**, 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 on every Sunday at 10.30 a.m., until further orders. Further, after released on bail, the petitioner is directed to deposit a sum of **Rs.1,00,000/-** to the credit of crime No. 185 of 2024



within a period of eight weeks on two instalments, failing which bail will be cancelled.

[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 District and Sessions Judge, Kallakurichi.**
- 2.The Inspector of Police,
Sankarakupuram Police Station,
Kallakurichi District.
3. The Central prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.15645 of 2024

26.07.2024