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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM

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

CrI.O.P.No.16634 of 2024

Mugilan @ Mugi

... Petitioner

Vs.

State Rep by.

The Inspector of Police

Muthiyalpet Police Station,

Puducherry.

Crime No. 56 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in crime No. 56 of 2024 pending
investigation on the file of the respondent police.

For Petitioner : Mr.A.Anandharaj

For Respondent : Mr. A.Alexander,
Additional Public Prosecutor
(Pondicherry)



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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 6 of POCSO Act, 2012 and Section 9 of prohibition of child Marriage Act in **crime No. 56 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner married the minor girl who is aged about 15 years and committed penetrative sexual intercourse with her and made her pregnant. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. On the other side, the learned Government Advocate (Crl. side) submits that the victim has been secured and her statement also recorded.

4. Considering the period of incarceration undergone by the petitioner and also victim has been secured. Further, the statement of victim girl has also been recorded. Hence, this Court is inclined to grant bail to the petitioner.



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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 Sessions Judge, Fast Track Court (POCSO Act), Puducherry.** 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 Saturday 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 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 **Sessions Judge, Fast Track Court (POCSO Act), Puducherry.**

2.The Inspector of Police
Muthiyalpet Police Station,
Puducherry.

3. The Central Prison, Puducherry.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No. 16634 of 2024

15.07.2024