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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM

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

Crl.O.P.No.18304 of 2024

Mageswaran @ Angali

... Petitioner

Vs.

State Rep by.
The Inspector of Police
AWPS Police Station,
Thiruvannamalai District.
Crime No. 9 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in crime No. 9 of 2024 on the file of
the respondent police.

For Petitioner : Mr.V.Arunkumar
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.06.2024 for the alleged offences punishable under Sections **366, 376(3), 376AB IPC and Section 3(a), 4(2), 5(m) 6(l), 7, 8 of POCSO Act, in crime No. 9 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner had sexual intercourse with the victim child under the pretext of marrying her. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and also statement of the victim girl has been recorded. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) admits that the statement of the victim girl has been recorded. However, he raised objection to grant bail.

5. Considering the facts of the case, the statement of the victim girl has been recorded under Section 164 Cr.P.C, wherein she stated that she had love affair with three other persons and sexual intercourse with them. Considering the above and also the investigation is almost completed. Hence,



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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 The special Court of Exclusive Trial of cases under POCSO Act, Thiruvannamalai,** 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 alternative days at 10.30 a.m., until further order. Further, the petitioner shall deposit a sum of **Rs.30,000/-** to the credit of crime No. **9 of 2024** and victim girl is permitted to withdraw the same.



[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 of Exclusive Trial of cases under POCSO Act, Thiruvannamalai.**

2.The Inspector of Police
AWPS Police Station,
Thiruvannamalai District.

3. The District Jail, Vellore.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.18304 of 2024

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