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CRL O.P. No.20062 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.08.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.20062 of 2024

K. Yuvaraj S/o. Kumaravadivel ... Petitioner/2nd Accused
Vs

State rep. by:-

The Inspector of Police,
All Women Police Station,
Udumalpet, Tiruppur District.
[Cr. No.29 of 2024]

... Respondent

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER:- The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.29 of 2024 on the file of the respondent police.

For Petitioner : Mr. B. Kumarasamy
For Respondent : Mr. S. Vinoth Kumar
Government Advocate
[Criminal side]

ORDER



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The petitioner /2nd Accused, who was arrested and remanded to judicial custody on 01.07.2024 for the offences punishable under sections 5(1), 5(n), 5(j)(ii) and 6 of POCSO Act 2012 and Section 506(i) of IPC in Crime No.29 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A1 and the petitioner / 2nd accused had forcible sexual intercourse with a victim girl and due to which, the victim girl got pregnancy and she is now 8 months pregnant. Hence, the complaint.

3. The learned counsel for the petitioner would contend that A1, is the victim girl's maternal uncle's son and this petitioner is the friend of A1 and hence he has also been implicated in this case with false allegations and he is 25 years old innocent person. He is in judicial custody for the past more than 45 days. The petitioner is ready for the DNA test and he is ready to abide by any condition imposed by this Court. Hence, he seeks bail.



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4. The learned Government Advocate (Criminal Side) would submit that A1 has married the victim girl and there was some family dispute and this petitioner, in the guise of helping for re-union of the victim girl with A1, gave false hope and had forcible sexual intercourse with a victim girl and now the victim girl is 8 months pregnant. The petitioner was arrested and remanded to judicial custody on 01.07.2024. Hence he objected to grant bail to the petitioner. The learned Government Advocate would further submit that A1 is in judicial custody and the statement of the victim girl was recorded and investigation was completed and charge sheet was also filed.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that investigation was completed and charge sheet was filed and also considering the period of incarceration underwent by the petitioner, I am inclined to grant bail to the petitioner, subject to the following conditions:



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[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **Fast Track Mahila Court, Tiruppur** and on further conditions that:

[b] the petitioner shall report before the Fast Track Mahila Court, Tiruppur on every working day at 10.30 A.M. until further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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



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Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

20.08.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

To
1.The Fast Track Mahila Court, Tiruppur.

2.The Inspector of Police,
All Women Police Station,
Udumalpet, Tiruppur District.

P.DHANABAL,J
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3.The Superintendent,
Central Prison, Coimbatore.

4.The Public Prosecutor, High Court, Madras.



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