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Crl.O.P.No.27026 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.27026 of 2024

Mr.Jayaram@Jayaraman

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Panjapalli Police Station,
Dharmapuri District.
(Crime No. 69 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 69 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.M.P. Saravanan

For Respondent : Mr.S.Vinothkumar

Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 05.09.2024, for the alleged offence punishable under Sections 87 of B.N.S
and Sections 5(1) and 6(1) of protection of Children from sexual offences Act-
2012 and 9 of Prohibition of Child marriage Act in Crime No.69 of 2024, on
the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner fell in love with



Crl.O.P.No.27026 of 2024

the victim who is a minor girl and thereafter had physical contact with her, due to which the victim girl became pregnant. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He also submitted that the petitioner is in judicial custody from 05.09.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner fell in love with the victim girl who is a minor and thereafter had physical contact with her and made her pregnant. He further submit that the petitioner has no previous case, pending against him the statement under Section 164 Cr.P.C., has also been recorded from the victim girl. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.



Crl.O.P.No.27026 of 2024

WEB COPY

6. Considering the submissions made by the learned counsel on either side, the nature of offence, considering the period of incarceration undergone by the petitioner and there was a love affair between the petitioner and the victim girl and the statement under Section 164 Cr.P.C., has also been recorded from the victim girl, and the petitioner has no previous case pending against him, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. 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, each for a like sum to the satisfaction of the learned Judicial Magistrate, Palacode, Dharmapuri District, and on further conditions that:-

[a] the petitioner shall report before the Special Court for Exclusive Trial of Cases under POCSO Act Dharmapuri everyday at 10.30 a.m, until further orders.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any



Crl.O.P.No.27026 of 2024

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the Petitioner shall not abscond either during investigation or trial;

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

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

28.10.2024

smn

To

1.The Judicial Magistrate, Palacode, Dharmapuri District

2.The Inspector of Police,



Crl.O.P.No.27026 of 2024

Panjapalli Police Station,
Dharmapuri District.

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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Crl.O.P.No.27026 of 2024

Crl.O.P.No.27026 of 2024

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