



Crl.O.P.No.29559 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.29559 of 2024

Vinayagamurthy

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Pennagaram Police Station,
Dharmapuri District.
Cr.No. 237 of 2024

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending
investigation in Crime No.237 of 2024 on the file of the respondent Police.

For Petitioner : Mr.K. Balakrishnan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.237 of 2024 registered for
the offences punishable under Sections 137(2), 87 of BNS r/w 5(1), 6(1) of



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POCSO Act and Section 9 of Prohibition of Child Marriage Act is on board for consideration.

2.The incarceration of the petitioner being from 13.10.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that petitioner and the victim girl knew each other, since it was objected by the family members, the victim girl left her house and the petitioner without understanding the consequences, married her at a temple. Later coming to know about the registration of case, the petitioner surrendered before the respondent police. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner had taken the victim girl, aged about 17 years to his relative's house in Hosur and on 11.10.2024, at 5 a.m, married her at a temple and committed sexual assault on her. He further submits that the victim girl was later secured and a statement under Section 183(5) of BNSS also recorded from her.



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He further submits that major part of the investigation in this matter is complete.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and the statement of the victim girl recorded under Section 183(5) of BNSS, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the Special Court for Exclusive trial of cases under POCSO Act, Dharmapuri, 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, everyday at 06.30 p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or



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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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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A.D.JAGADISH CHANDIRA., J.

sai

To

1. The Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri.
2. The The Inspector of Police,
Pennagaram Police Station,
Dharmapuri District,
3. The Superintendent,
Central Prison Salem.
4. The Public Prosecutor,
High Court of Madras.

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