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Crl.O.P.No.30812 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM

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

Crl.O.P.No.30812 of 2024

Akash

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Perambalur.
(Crime No.78 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.78 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Vijayaragavan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

Petition seeking bail in respect of Crime No.78 of 2024 registered for the offences punishable under Sections 7 and 8 of Protection of Children from Sexual Offences Act, 2012 r/w Section 296(b), 351(2) and 77 of BNS is on board for consideration.



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2. The incarceration of the petitioner being from 22.11.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that there was a friendship between the petitioner and the defacto complainant and it was objected by the parents of the defacto complainant and that on their instigation, a false complaint has been given against the petitioner. He would further submit that the statement of the victim has also been recorded under Section 183 of BNS, wherein she has not made any allegation of penetrative sexual assault. He also submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this court. Hence, he prayed for bail.

3. The case of the prosecution as per the defacto complainant xxxxx, aged 17 years, putforth by the learned Additional Public Prosecutor appearing for the respondent police, opposing for grant of bail, is that the accused who is known to her had threatened and compelled her to love him and that further, on 12.02.2023, he trespassed into the house of the defacto complainant and hugged and kissed her and also had taken a selfie and threatened her that he would upload the photo in social media. While so, on 20.11.2024, the accused along with his



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parents came to the house of the defacto complainant and compelled her to come out of her house and marry the accused, as she had completed 18 years. He further submitted that investigation has been completed.

4. Having heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent Police and perused the materials available on record, including the statement of the victim girl and considering the period of incarceration undergone by the petitioner, 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 learned **Sessions Judge, Mahila Court, Perambalur** 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 stay at Tanjore and report before the Inspector of Police, All Women Police Station, Tanjore, everyday at 10.30 a.m., until further orders;

[c] the petitioner should not enter into the



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jurisdiction limit of the respondent police;

[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 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]***;

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

11.12.2024

Anu

To

1.The Sessions Judge, Mahila Court, Perambalur



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2. The Inspector of Police,
All Women Police Station,
Perambalur.

3. The Superintendent,
Central Prison, Trichy

4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.

Anu



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