



CrI.O.P.No.29023 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

CrI.O.P.No.29023 of 2023

Nivas @ Mamalaiyarasan
S/o. Sekar

...Petitioner/A3

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Tiruvarur,
Tiruvarur District.
(Crime No.19 of 2023)

...Respondent / Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.19 of 2023 on the
file of the respondent police.

For Petitioner : Mr. D. Lakshmipathy

For Respondent : Mr. L. Baskaran
Govt. Advocate (CrI. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.12.2023 for the offences punishable under Section 6 r/w Sections 5(j)(ii), 5(I) and 5(n) of Protection of Child From Sexual Offences Act, 2012 in Crime No.19 of 2023, seeks bail.

2. There are two other accused, who are ranked as A1 and A2. It is stated that A1 had been granted bail in CrI.M.P.No.426 of 2023 dated 13.12.2023 by the learned Principal District and Sessions Judge, in Full Additional Charge of Sessions Judge, Fast Track Mahila Court, Thiruvarur. That bail was granted under Section 167(2)(a)(ii) of Cr.P.C.

3. The statement under Section 164(5) of Cr.P.C., of the victim child had been recorded. A copy of the same had been forwarded for perusal of this Court. It is stated that investigation has been completed and charge sheet has been filed. The DNA report alone is awaited.

4. Taking all these factors into consideration, and the period of incarceration and the statement made by the victim child, when her statement was recorded under Section 164(5) of Cr.P.C., and also the fact that investigation has been completed and charge sheet has also been



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filed, this Court is inclined to grant bail to the petitioner subject to the following condition.

5. 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 learned Additional Mahila Judicial Magistrate, Tiruvarur, 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] Initially, the petitioner shall report before the respondent police everyday at 10.30 a.m., till the receipt of summons from the trial Court and on receipt of summons, the petitioner shall appear before the trial Court, on every Monday at 10.30 a.m., till framing of charges and thereafter, during the Court hearing dates.

[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.



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[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 229A IPC.

09.01.2024

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To

- 1.The Additional Mahila Judicial Magistrate, Tiruvarur.
2. The District Prison, Nagapattinam.
- 3.The Inspector of Police,
All Women Police Station,
Tiruvarur,
Tiruvarur District.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN,J.

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