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Crl.O.P.No.31008 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

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

Crl.O.P.No.31008 of 2024

Jegatheep @ Praveen

... Petitioner

Vs.

State, Rep. by
The Inspector of Police
All Women Police Station – Velur
Namakkal District
(Crime No.18 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.18
of 2024 on the file of the respondent Police.

For Petitioner : Mr.Deepanuday

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

ORDER

Petition seeking bail in respect of Crime No.18 of 2024 registered for
the offences punishable under Sections 87, 351(3) of BNS & under Sections 3 &
4 of POCSO Act, is on board for consideration.



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2.The incarceration of the petitioner being from 13.11.2024 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 further submits that the petitioner, aged about 22 years, and the victim girl are relatives and without understanding the consequences and rigours of the Protection of Children from Sexual Offences Act, the petitioner had a love affair with the minor victim girl. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. however, he has not committed any offence as alleged by the prosecution.

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 based on the complaint received from the District Child Welfare Committee, Namakkal a case in Crime No.18 of 2024 has been registered against the petitioner. He further submits that the petitioner induced the minor victim girl, aged about 16 years and on the false promise of marrying her, had sexual intercourse with her, resulting in the victim girl becoming pregnant, later he insisted the victim girl to abort the pregnancy and threatened her with dire consequences. He further submits that the foetus of the victim girl was aborted



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and the investigation in this case is pending.

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 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, Magalir Neethi Mandram (Fast Track Mahila Court), Namakkal, 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 Chennai and report before the Inspector of Police, D3 Ice house Police Station, everyday at 10.30 a.m., until further orders;

[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 269 of B.N.S.

20.12.2024

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To

1.The Sessions Judge,
Magalir Neetehi Mandram (Fast Track Mahila Court),
Namakkal

2.The Inspector of Police
All Women Police Station – Velur
Namakkal District

3.The Superintendent,
Central Prison, Salem

4.The Public Prosecutor,
High Court of Madras.

5. The Inspector of Police,
D3 Ice House Police Station,
Chennai.



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A.D.JAGADISH CHANDIRA., J.

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