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Crl.O.P.No.31518 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

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

Crl.O.P.No.31518 of 2024

Aravindkumar

... Petitioner

Vs.

State, Rep. by
The Inspector of Police
Elachipalayam Police Station
Namakkal District
(Crime No.180 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.180 of 2024 on the file of the Inspector of Police, Elachipalayam Police Station, Namakkal District.

For Petitioner : Mr.B.Vasudevan

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

ORDER

Petition seeking bail in respect of Crime No.180 of 2024 registered for the offences punishable under Sections 194 BNSS @ 5(1), 5(j)(ii) r/w.6 of POCSO Act, 2012 is on board for consideration.

2.The incarceration of the petitioner being from 12.10.2024 pleading



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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 other than admitting the victim girl to the hospital for severe bleeding, the petitioner has not committed any offence. He also submits that the petitioner is no way connected with the alleged offences and he is ready to abide by any stringent condition that may be imposed by this court. He also submits that a substantial portion of the investigation has been completed.

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 an affair with the victim girl, who is the daughter of the de facto complainant. As a result of the affair, the victim girl became pregnant, and they attempted to cause a miscarriage. During this attempt, the victim suffered severe bleeding and was admitted to the hospital by the petitioner, where she later succumbed to her injuries.

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



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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 Session 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 Salem and report before the Inspector of Police, All women Police Station, Salem 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 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



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can be registered under Section 269 of B.N.S.

18.12.2024

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To

1.The Session Judge, Magalir Neethi Mandram (Fast Track Mahila Court),
Namakkal

2.The Inspector of Police
Elachipalayam Police Station
Namakkal District

3.The Superintendent,
Central Prison, Salem

4.The Public Prosecutor,
High Court of Madras.

5.The Inspector of Police
All Women Police Station
Salem.



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A.D.JAGADISH CHANDIRA, J.
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