



CRL OP(MD). No.12418 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.12418 of 2024

Tamilselvan,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Pattukottai,
Thanjavur District,
Crime No.4/2024.

... Respondent/Complainant

For Petitioner : Mr.A.Mohan,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.4/2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial



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custody on 11.05.2024 for the offences punishable under Sections 11(4) r/w. 12, 5(i), 5(j)(ii) and 6 of POCSO (Amendment) Act, 2019 and Section 9 of Child Marriage Act, in crime No.4 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein has married the victim girl, who is aged about 14 years. Hence, the case.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

4. Considering the nature of allegations that the complaint was forwarded during the time of check up in the hospital and considering the fact that the petitioner, who is aged about 21 years, got married the victim child and considering the fact that the petitioner was arrested on 11/5/2024, I am inclined to enlarge the petitioner on bail.

5. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees



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Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall appear before the respondent Police as and when required for interrogation;

(iii)the petitioner shall not tamper with evidence or witness;

iv)the petitioner shall not abscond during trial.

v)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].



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(vi)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/08/2024

/ TRUE COPY /

08/08/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE PRINCIPAL SPECIAL JUDGE
FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
THANJAVUR.
- 2 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PATTUKOTTAI,
THANJAVUR DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER
IN
CRL OP(MD) No.12418 of 2024
Date :08/08/2024

SS/SAR- /08/08/2024/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023