



CRL OP(MD). No.15288 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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Balamurugan,

... Petitioner/ Accused No.1

Vs

**The State of Tamilnadu,
Rep. by the Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
(In Crime No.67/2024)..**

... Respondent/ Complainant

For Petitioner : M/s.D.S.Haroon Rasheed, Advocate.

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

PETITION FOR BAIL UNDER SECTION 483 OF BNSS

PRAYER :-

For Bail in Crime No.67/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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



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on 14.07.2024 for the offences punishable under Sections 5(1) r/w 6, 17 of POCSO Act, 506(i) IPC r/w. Sections 9, 10 and 11 of Prohibition of Child Marriage Act, 2005 in crime No. 67 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein lured the victim girl and committed penetrative sexual assault on her. 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 against the petitioner that he was in relationship with the victim child and at that time, it is alleged that the petitioner said to have taken an inappropriate picture of the victim child. After coming to know about the relationship, the parents of the victim child admonished both of them and got the victim child married with the second accused in this case. The accused Nos. 2 to 4 are facing a trial for child marriage and abatement of child marriage. As the allegation against the petitioner is that not only having a physical relationship with the child but after the marriage with the second accused, on 01.07.2024, the petitioner telephoned the victim child and asked her to come to a secluded place by sending the nude picture in her mobile phone and on that threat, the victim child went to the petitioner and at that time the petitioner had committed penetrative sexual assault on



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her. On a specific query by this Court, on instructions from the investigating officer, it is submitted by the prosecution that the said fact could not be verified and no images could be traced out from the victim child or from the mobile phone of the accused.

5. Considering all the above and considering the fact that the accused is in custody from 14.07.2024, I am inclined to enlarge the petitioner on bail.

6. 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 Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Fast Track Mahila Court, Ramanathapuram.

(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 daily at 10.30 a.m for a period of three weeks and thereafter, 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

<https://www.mhc.tn.gov.in/judis>



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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].

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

sd/-
19/09/2024

/ TRUE COPY /

19 / 09 /2024
Sub-Assistant Registrar (Writs)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE JUDGE
FAST TRACK MAHILA COURT,
RAMANATHAPURAM.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE OFFICER INCHARGE
DISTRICT PRISON,
RAMANATHAPURAM.



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4. THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
RAMANATHAPURAM DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15288 of 2024
Date :19/09/2024

PSP/ /SAR /19.09.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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