



CRL OP(MD). No.16869 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.16869 of 2024

Mani

... Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Thirumayam,
Pudukottai District,
Crime No.9/2024.

... Respondent/Complainant

For Petitioner : Mr.S.Mahendrapathy, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.9/2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused, who is arrested and remanded to judicial custody on 11.09.2024 for the offence punishable under Sections 5(1), 5(j)(ii), 6(1),17, 21(1) of POCSO Act, 2019, and Section 9 of Prohibition of Child Marriage Act and Section



CRL OP(MD). No.16869 of 2024

312 and 109 of IPC, in Crime No.9 of 2024 on the file of the respondent police, seek bail.

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2.The case of the prosecution is that A-1 had sexual intercourse with a victim girl by promising that he will marry her. Thereafter, on 01.05.2024, the petitioner and the victim's mother took the victim girl to the hospital and aborted her pregnancy. Hence, the complaint.

3.Heard the learned counsel on either side and perused the material records of the case.

4.Considering the nature of allegation that the allegations are only against the first accused, and the present petitioner is only the father of A-1, who is also said to have played a role in aborting the fetus and considering the fact that the petitioner is in judicial custody from 11.09.2024, I am inclined to enlarge the petitioner on bail with certain conditions.

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 Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Pudukkottai.

(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



CRL OP(MD). No.16869 of 2024

card or Bank Pass Book to ensure their identity;

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(ii)the petitioner shall report before the respondent police daily at 10.30 a.m.,for a period of three weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

(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].

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

sd/-
03/10/2024

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03/10/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

JBR



CRL OP(MD). No.16869 of 2024

To

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1.The Sessions Judge,
Mahila Court, Pudukkottai.

2.The Inspector of Police,
All Women Police Station,
Thirumayam, Pudukkottai District.

3.The Officer Incharge,
District Prison, Pudukkottai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.MAHENDRAPATHY, Advocate (SR-12063[I] dated 03/10/2024)

ORDER

IN

CRL OP(MD) No.16869 of 2024

Date :03/10/2024

ED/ /SAR- (03/10/2024) 4P / 6C

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