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CRL OP NO. 3726 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-02-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP NO. 3726 of 2025

MUNIRAJ

S/o.Kavundappan, No.1/89b, Kattu Valavu, Thali
Halli, Kalappambadi, Pennagaram, Dharmapuri
District.

Petitioner(s)

Vs

The State Rep By, The Inspector Of Police,
Awps Bhavani Police Station,

Erode District. Cr.No.43/2024.

Respondent

PRAYER: This Criminal Original Petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.43 of 2024 on the file of the respondent police.

For Petitioner(s): Mr.C.Prabakaran

For Respondent(s): Mr.A.Gopinath, Government
Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 08.01.2025, seeking bail in Crime No.43 of 2024 registered for the offence under Section 366 of I.P.C and u/s 9 of the Prevention of Child Marriage Act, 2006 r/w Section 5(1), 5(j)(ii) r/w Section 6 of the POCSO Act.

2.The case of the prosecution is that the petitioner was married to a



victim minor girl and she got pregnant and was admitted in the hospital for delivery. Hence, the complaint.

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3. The learned counsel appearing for the petitioner submitted that the the petitioner is an innocent person and he has been falsely implicated in this case and the petitioner and the victim girl are living happily. He further submitted that the petitioner is in custody from 08.01.2025. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and opposed for the grant of bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering the fact that the petitioner and the victim girl are living



matrimonial life happily and considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

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7. Accordingly, the petitioner is ordered to be released on bail on his 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 Learned Sessions Judge, Magalir Neethi Mandram, Erode** 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 report before the respondent Police as and when required;

[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

G.K. ILANTHIRAIYAN,J.

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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.

14.02.2025

vca

Copy to:

1. The Sessions Judge,
Magalir Neethi Mandram, Erode
2. The Superintendent,
District Jail, Gobichettipalayam
3. The Public Prosecutor,
High Court, Madras.
4. The Inspector Of Police
Awps Bhavani Police Station,
Erode District.

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