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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.8973 of 2022

Ganesh @ Ganesan

.. Petitioner

Vs.

The State rep. by its
The Inspector of Police,
W-15 All Women Police Station,
Royapuram,
Chennai.
(Crime No.1248 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail and release him in Crime No.1248 of 2021 on the file of the respondent police.

For Petitioner : Mr.Sairam Ganapathi.N

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested for the offences punishable under Section girl missing @ 366 of IPC and Section 4 of POCSO Act, in Crime No.1248 of 2021, on the file of the respondent police, seeks bail.

2.The petitioner herein was arrested on 03.09.2021, based on the complaint given by the father of the victim girl for girl missing, which later turned as kidnapping and forcefully sexual intercourse by three persons. This petitioner is arrayed as A3.

3. The learned Additional Public Prosecutor submits that investigation has been completed and final report filed.

4. Considering the fact that the petitioner has burden of proving his innocence under the POCSO Act, this Court is inclined to grant bail to this petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;



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(a) the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with two sureties, each for a like sum to the satisfaction of the learned **Special Court for Exclusive Trial Cases under POCSO, Chennai;**

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) **the petitioner shall attend the trial before the trial Court regularly without any breach;**

(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 Judicial 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 can be registered under Section 229A IPC.

-sd/-

20/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

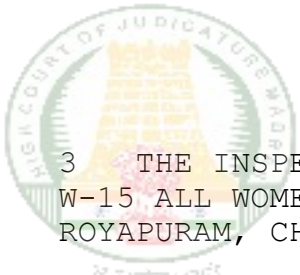
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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL COURT FOR
EXCLUSIVE TRIAL CASES UNDER POCSO, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



3 THE INSPECTOR OF POLICE,
W-15 ALL WOMEN POLICE STATION,
ROYAPURAM, CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S. SAIRAM GANAPATHI.N. Advocate on payment of
necessary charges SR.NO.5857

CRL OP.8973/2022

Date :20/04/2022

TA-21/04/2022