



CrI.O.P.No.21284 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.21284 of 2022

1. Balamurugan

2. Vijay

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Poraiyar Police Station.

(Crime No.184/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail pending investigation in connection
with the Crime No.184 of 2022 on the file of the respondent Police.

For petitioners : Mr.Ananthasekar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 03.08.2022 for the offences punishable under Sections 294(b), 324, 506(ii) of IPC and under Section 12 r/w 11(iv), 8 r/w 7 of Protection of Child from Sexual Offences Act, 2012, in Crime No.184 of 2022 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the petitioners along with the other accused peeped into the bathroom of the victim, aged about 17 years and when it was questioned by the father of the victim, the accused abused him in a filthy language and assaulted both the victim and her father, and they sustained injuries. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and due to the civil dispute, the false complaint has been given against them. He would further submit that the second accused has been released on bail by the Juvenile Justice Board and he would also submit that the petitioners are in custody from 03.08.2022 and



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they are prepared to comply with any stringent condition imposed by the Court. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners along with the other accused peeped into the bathroom of the victim, aged about 17 years. He would further submit that when the victim's father questioned about the same the petitioners along with other accused abused and assaulted the father of the victim as well as the victim girl, causing injuries. Hence, he opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioners.



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7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** each with **two sureties**, each for a like sum to the satisfaction of the **learned Special Court under POCSO Act, Nagapattinam**, 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 petitioners shall stay at Chennai and report before the Inspector of Police, Pondy Bazaar Police Station, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 action against the petitioners in accordance with law as if the conditions have been imposed and the



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petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

19.09.2022

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To

1. The Special Court under POCSO Act,
Nagapattinam.
2. The Inspector of Police,
Poraiyar Police Station.
3. The District Prison,
Nagapattinam.
4. The Inspector of Police,
Pondy Bazzar Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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