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CrI.OP.No.27580 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

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THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.27580 of 2022

Sathiyaraj

..Petitioner/A3

Vs.

The State of Tamilnadu
Through the Station Housing Officer,
All Women Police Station (crime No.2 of 2022),
Gingee, Villupuram District

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Spl.SC.No.115 of 2022 on the file of the Court of Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram crime No.2 of 2022 on the file of All Women Police Station, Gingee pending investigation, since all the other accused has been granted bail by this Court.

For Petitioner : Mr.M.Devaraj

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.01.2022 for the offence punishable under Sections 5(1), 5(j)(ii), 6, 16, 17, 19, 21(1) of POCSO Act altered to Sections 366, 342, 450 of IPC r/w 6(1), 6, 17, 21(1) of POCSO Act in crime No.2 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the victim girl aged about 15 years was found five months pregnant and on enquiry, she had disclosed the names of few adult male members of her village.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that some of the co-accused persons have been granted bail by this Court in Crl.OP.No.15313 of 2022 dated 04.07.2022. Hence, he prays to grant bail to the petitioner.



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4.The learned Additional Public Prosecutor appearing for the respondent / police would submit that the investigation is completed and final report has been filed and the same was taken on file in Spl.SC.No.115 of 2022 by the POCSO Court, Villupuram, which has been posted for framing charges. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the period of incarceration by the petitioner and also considering that some of the co-accused persons have been granted bail by this Court, this Court is inclined to grant bail to the petitioner. 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 blood related sureties, each for a like sum to the satisfaction of Special Court for Exclusive Trial under POCSO Act at Villupuram 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.



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[b] the petitioner shall report before the trial court i.e. Special Court for Exclusive Trial of cases under POCSO Act at Villupuram daily at 10.30 a.m. and 05.30 p.m. until further orders.

[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 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.

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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Special Court for Exclusive Trial under POCSO Act
at Villupuram
2. Station Housing Officer,
All Women Police Station,
Gingee, Villupuram District
- 3.Central Prison
at Cuddalore
- 4.The Public Prosecutor,
High Court of Madras

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