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CRL.O.P.No.1415 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Crl.O.P.No.1415 of 2023

Jabastin

Petitioner

Vs...

State represented by
The Inspector of Police,
All Women Police Station,
Vellore, Vellore District.
(Crime No.27 of 2022).

Respondent

Prayer:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.27 of 2022 on the file of the Inspector of Police, All Women Police Station, Vellore, Vellore District.

For Appellant : Mr.G.Vinodh Kumar

For Respondent : Mr.N. Muthuvel
Government Advocate
(Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.09.2022 for the alleged offence under Sections 376, 506(i) of IPC r/w 4,5(1), 5(n), 5(1)(j)(ii) and 6 of POCSO Act 2012 in Crime No.27 of 2022 on the file of the respondent police, seeks bail.



5. Considering the facts and circumstances of the case and also considering the fact, the petitioner is in incarceration from 20.09.2022 till date and investigation has been completed and charge sheet has also been filed, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (**Rupees Twenty Five Thousand Only**) with two sureties each for a like sum to the satisfaction of of the **learned Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore**, and on further condition that:

[a] the petitioner and 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 is directed to report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate



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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 229A IPC.

30.01.2023

Lbm

To

1. The Special Judge for Exclusive Trial of Cases
under POCSO Act, Vellore,
2. The Superintendent
The Central Prison, Vellore.
3. The Inspector of Police,
All Women Police Station,
Vellore,Vellore District.
- 4.The Public Prosecutor,
High Court, Madras.

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