



Crl.O.P.No.1610 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2023

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

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1. Dharmaraj @ Manikandan

2. Sasikumar

.. petitioners

Vs.

The State represented by,
The Inspector of Police,
All Women Police Police Station,
Villupuram,
Villupuram District.

(Crime No.33/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime No.33
of 2022 pending investigation on the file of the respondent Police.

For petitioners : Mr.C. Munusamy

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioners, who was arrested and remanded to judicial custody on 30.03.2022 for the alleged offences punishable under Section 450 of IPC and Sections 5(k), 5(l) and 6 of POCSO Act 2012 in Crime No.33 of 2022, seeks bail.

2.The case of the prosecution is that the second petitioner is the relative of the victim and the first petitioner is the friend of the second petitioner. The allegation is that the second petitioner has committed penetrative sexual assault on the minor victim girl and the first petitioner also misbehaved with the victim girl. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and a false complaint has been given against the petitioners. He further submitted that the petitioners have been in judicial custody from 30.03.2022 and hence, he prays for grant of bail to the petitioners.



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4.Per contra, the learned Government Advocate (Crl.Side) submitted that the second petitioner has committed penetrative sexual assault on the victim girl and the first petitioner also misbehaved with the victim girl. He further submitted that the 164 Cr.P.C statement has also been recorded from the victim. Hence, he opposed to grant bail to the petitioners.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) 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 and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) with two sureties (out of which one surety shall be a blood relative) each for



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a like sum to the satisfaction of the **learned Sessions Judge, Special Court for exclusive Trial of cases under POCSO Act, Villupuram** and on further condition that:

[a] the petitioners 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 petitioners are hereby directed that they should not have any contact with the victim girl.

[c]the petitioners shall report before the respondent police on every Wednesday at 10.30 a.m. for a period of three months.

[d]the petitioners shall not tamper with evidence or witness during trial;

[e]the petitioners shall not abscond during trial;

[f]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 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]***; and;



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[g]if the accused thereafter absconds, a fresh FIR
can be registered under Section 229-A IPC.

27.01.2023

smn

To

1.The Sessions Judge, Special Court for exclusive Trial of cases under
POCSO Act, Villupuram

2The Inspector of Police,
All Women Police Police Station,
Villupuram,
Villupuram District.

3.The Central Prison,
Cuddalore

4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI,J.

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