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CrI.O.P.No.12878 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

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

CrI.O.P.No.12878 of 2023

Lambo @ Lambodharan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Thiruvottriur, Chennai.

(Crime No.10 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime No.10
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Sathyaraj

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.04.2023, for the offences punishable under Sections 5(1)(n) r/w 6 of POCSO Act, 2012, in Crime No.10 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant XXXX, aged 17 years is that the accused, who is the maternal uncle of the victim girl, had taken her to his house and had committed penetrative sexual assault on her. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner and the defacto complainant are close relatives and there was a love affair between them and the petitioner, without understanding the consequences and rigours of the Protection of Children from Sexual Offences Act, had committed the offence. He further submitted that the major part of the investigation has



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been completed. He also submitted that the petitioner is in custody from 27.04.2023, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, who is the maternal uncle of the victim girl, had taken her to his house and had committed penetrative sexual assault on her. He further submitted that the statement has also been recorded from the victim girl under 164 Cr.P.C. He also submitted that the the major part of the investigation has been completed. However, he vehemently oppose for grant of bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the 164 statement recorded from the victim girl.

6. Taking into consideration the facts and the submissions made by the learned counsel for the petitioner and also considering the statement recorded from the victim girl under Section 164 Cr.P.C. this Court is inclined to grant bail to the petitioner.



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7. 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 sureties**, each for a like sum to the satisfaction of the **learned District Mahila Judge, Fast Track Court, Tiruvallur** 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 petitioner shall report before the respondent Police, everyday at 10.30 a.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]***;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

12.06.2023

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To

1. The District Mahila Judge,
Fast Track Court, Tiruvallur.
2. The Inspector of Police,
All Women Police Station,
Thiruvottriyur, Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor, High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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