



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Crl.OP.No.12980 of 2023

Santhosh

Petitioner

Vs

The State of Tamil Nadu by Inspector of Police
Valathi Police Station, Villupuram

Respondent

Prayer:- This Criminal Original Petition is filed under Section 439 of Cr.PC, to enlarge the Petitioner on bail, pending investigation in Cr.No.143 of 2023, on the file of the Respondent Police.

For Petitioner : Mr.K.Perumalsamy

For Respondent : Mr.S.Vinoth Kumar, GA (Crl.Side)

ORDER

1. The Petitioner has filed this Criminal Original Petition, under Section 439 of Cr.PC, seeking bail, for having allegedly committed the offences, punishable under Sections 354(D), 506(i), 305 of IPC read with Sections 11(1) and 12 of the POCSO Act, in Cr.No.143 of 2023, on the file of the Respondent Police. For the above said alleged offences, the Petitioner was arrested by the Respondent Police on 25.04.2023 and remanded to the Judicial Custody on the same day.
2. This court heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor for the Respondent and also perused the



materials placed before this Court.

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3. According to the Petitioner, the victim girl was having love affair with him and the Petitioner is in no way connected with the alleged offences and he has been falsely implicated in the case on hand. The Petitioner would abide by any conditions to be imposed by this Court for the grant of bail.
4. On the other hand, the learned Government Advocate would submit that the Petitioner intimidated the victim girl to love him and he made her to commit suicide by poison and the Petitioner was responsible for the death of the victim girl and thereby, he had committed the offences punishable under Sections 354(D), 506(i), 305 of IPC read with Sections 11(1) and 12 of the POCSO Act. He would further submit that major part of the investigation is over and that since the allegations against the Petitioner are serious in nature, bail cannot be granted in favour of the Petitioner.
5. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side and the period of incarceration and the fact that major part of the investigation is over, this Court is inclined to grant bail in favour of the Petitioner, however, on stringent conditions. Accordingly, the Petitioner is hereby ordered to be released on bail, on the Petitioner complying with the following conditions:-
 - i. The Petitioner shall execute 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 Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Villupuram. The sureties shall affix their



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Photographs and Left Thumb Impressions in the surety bonds and the said Court may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

- ii. The Petitioner shall report before the Respondent Police, daily at 10.30 a.m., until further orders.
- iii. The Petitioner shall not abscond either during the investigation or the trial. The Petitioner shall not tamper with evidence or witness, either during the investigation or the trial.
- iv. On breach of any of the aforesaid conditions, the concerned 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 is released on bail, by the concerned Trial Court itself, as laid down in the decision of the Honourable Supreme Court reported in 2005 AIR SCW 5560 (P.K.Shaji Vs. State of Kerala).
- v. If the Petitioner, thereafter, absconds, a fresh First Information Report shall be registered, under Section 229A of IPC.

15.06.2023

Index:Yes/No

Web:Yes/No

Speaking/Non Speaking

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To:

1. The Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Villupuram
2. The Inspector of Police, Valathi Police Station, Villupuram
3. The Superintendent, Sub Jail, Villupuram
4. The Public Prosecutor, High Court, Madras



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A.A.NAKKIRAN, J.

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