



Crl.OP.No.14201 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.OP.No.14201 of 2023

Kothandam @ Ravi

..Petitioner

Vs.

State Rep by its,
Inspector of Police,
A.W.P.S. Tindivanam,
Villupuram District.
Crime No.13 of 2023

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.13 of 2023 on the file of the respondent police.

For Petitioner : M/s.Gurumoorthy

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.04.2023 for the offences punishable under Sections 341, 354(A), 452 of IPC read with Section 7,8 of POCSO Act, 2012 in Crime No.13 of 2023 on the file of the respondent police seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner has been falsely implicated in a case registered for the offence Sections 341, 354(A), 452 of IPC read with Section 7,8 of POCSO Act, 2012. Petitioner is in Judicial Custody from 16.04.2023. Thus, he seeks for bail to the petitioner.

3. In response, the learned Government Advocate (Crl. Side) opposed the petition on the ground that petitioner is said to have given a pinch to the victim girl on her left chest. Victim girl also given a statement reiterating the FIR allegations. He further submitted that, investigation in this case is over and final report was also filed and it is yet to be taken on file.



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4. Considering the facts, nature and circumstances of the case that investigation is completed and final report is also filed and the petitioner is in Judicial Custody from 16.04.2023, this Court is inclined to grant bail to the petitioner.

5. 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 the **learned Special Court for Exclusive Trial of Cases under POCSO Act, 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.

[b] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

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



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[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.

07.07.2023

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To

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1. Special Court for Exclusive Trial of Cases
under POCSO Act, Villupuram
2. Inspector of Police,
A.W.P.S. Tindivanam,
Villupuram District.
3. Central Jail,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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