



CrI.OP.No.15787 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.07.2023

CORAM

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

CrI.OP.No.15787 of 2023

Santhosh

...Petitioner

Vs.

The State Rep by its
The Inspector of Police,
Kottucherry Police Station,
Karaikal District.
(Cr.No.54 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.54 of 2023 on the file of the respondent Police.

For Petitioner : Mr.T.Elumalai

For Respondent : Mr.K.S.Mohan Doss
Public Prosecutor (Puducherry)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.06.2023 for the offences punishable under Section 8 & 12 of



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POCSO Act, and 506 (i) of I.P.C. @ 4, 8 and 12 of POCSO Act, 2012 and 506 (i) I.P.C. in Crime No.54 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that petitioner was in love with the victim girl. He is falsely implicated as an accused in Crime No.54 of 2023 for the offences punishable under Section 8 & 12 of POCSO Act, and 506 (i) of I.P.C. @ 4, 8 and 12 of POCSO Act, 2012 and 506 (i) I.P.C. He is in judicial custody from 23.06.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Government Advocate (Criminal Side) submitted that petitioner is aged twenty years and the victim girl is aged sixteen years. They were in love with each other. On 19.06.2023, petitioner asked the victim girl to come to his house and then sexually assaulted her.

4.Considered the rival submissions and perused the records.



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5.Considering the fact that petitioner is aged twenty years and victim girl aged sixteen years, it alleged that they were in love with each other and that petitioner is in judicial custody from 23.06.2023, and that substantial part of investigation in this case might have been completed, this Court is inclined to grant bail to the petitioner with conditions.

6. 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 Judicial Magistrate No.II, Karaikal District**, 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 Grand Bazar Police Station, Puducherry, daily at 10.30.a.m., until further orders.

[c] the petitioner shall not abscond either during



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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].

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

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To

- 1.The Judicial Magistrate No.II, Karaikal District.
- 2.The Inspector of Police,
Kottucherry Police Station,
Karaikal District.
- 3.Sub Jail, Karaikal.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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