



Crl.O.P.No.16844 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

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

Crl.O.P.No.16844 of 2023

Ramesh

...Petitioner

Vs.

State represented by
The Inspector of Police,
Thirukkanur Police Station,
Puducherry.
Crime No.91 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to grant bail to this petitioner in Crime No.91 of 2023 on the file of the respondent police.

For Petitioner : Mr.K.Kannadasan

For Respondent : Mr.Ramachandramurthy
Public Prosecutor (Puducherry)
Assisted by Mr.Alex

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 26.06.2023 for the offences punishable under Section 10 and 12 of POCSO Act, 2012 in Crime No.91 of 2023 on the file of the respondent police, seeks bail.

2. It is the submission of the learned counsel for the petitioner that petitioner was in love with the victim girl. Therefore, this complaint came to be registered in Crime No.91 of 2023 for the offence under Sections 10 and 12 of POCSO Act, 2012. He is in Judicial custody from 26.06.2023. Thus, he prays for grant of bail.

3. In response, the learned Public Prosecutor (Puducherry) submitted that, petitioner and the victim girl were in love with each other and the petitioner had committed sexual assault against the victim girl. Therefore, he prays for dismissal of this bail petition.

4. The 164 Cr.P.C., statement of the victim girl was recorded and her medical examination is also over.

5. It is seen from the 164 Cr.P.C., statement of the victim girl that she has not stated anything about the alleged sexual assault said to have been committed by the petitioner.



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6. In the said circumstances, this Court is inclined to grant bail to the petitioner and 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 **Fast Track Court Exclusively to Deal with Offence under the POCSO Act, at Puducherry**, 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.

[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



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G.CHANDRASEKHARAN, J.

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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.

28.07.2023

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To

- 1.The Fast Track Court Exclusively to Deal with Offence under the POCSO Act, at Puducherry
- 2.The Central Jail, Puducherry.
- 3.The Inspector of Police, Thirukkanur Police Station, Puducherry.
- 4.The Public Prosecutor, High Court of Madras.

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