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Crl.O.P.No.17024 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.17024 of 2023

Veerangi

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
AWPS-Tiruppur South Police Station,
Tiruppur City.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.14 of 2022 on the file of the respondent police.

For Petitioner : Mr.M.Prakash Raj

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.09.2022 for the offences punishable under Sections 5(i), 5(j)(ii) r/w 6 of POCSO Act in Crime No.14 of 2022 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as accused in Spl.S.C.No.156 of 2022 pending on the file of the learned Sessions Judge, Magalir Neethimandram, (FTMC), Tiruppur for the offences under Sections 5(i), 5(j)(ii) r/w 6 of POCSO Act. Petitioner is innocent. Petitioner is in judicial custody from 04.09.2022. Therefore, he prays for grant of bail to the petitioner.

3. In response, learned Additional Public Prosecutor, opposed this petition, on the ground that, it is a case where 1st accused, who is the step-father of victim girl and this petitioner, who is the neighbour of the victim girl, sexually assaulted her, who was aged only 14 years. Trial is in progress and almost all the witnesses had been examined, but for the examination of the investigation officer. Thus, he prays for dismissal of



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this petition.

4 . Considering the fact that, examination of witnesses in this case is almost over and that 1st accused was granted bail by the Trial Court and considering the long incarceration of the petitioner, this Court is inclined to grant bail to the petitioner with conditions and the petitioner is ordered to be released on bail on their 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 **Fast Track Mahila Court, Tiruppur** 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 Court of Sessions Judge, Magalir Neethimandram, (FTMC), Tiruppur on all working days at 10.00 a.m., and sign and on the date of hearings, till the completion of trial.

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

[d] the petitioner shall not tamper with evidence or



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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.

08.08.2023

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To

- 1.The Fast Track Mahila Court, Tiruppur.
- 2.Court of Sessions Judge, Magalir Neethimandram, (FTMC), Tiruppur.
- 3.The Inspector of Police,
AWPS-Tiruppur South Police Station,
Tiruppur City.
- 4.Central Prison, Coimbatore.
- 5.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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