



Crl.OP.No.20005 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.OP.No.20005 of 2023

Krishnan

...Petitioner

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Panrutti, Cuddalore.
(Crime No.10 of 2023)
...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner/Accused on Bail in Crime No.10 of 2023
on the file of All Women Police Station, Panrutti, Cuddalore District.

For Petitioner : Mr.S.Siva Kumar

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal Side)



CrI.OP.No.20005 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.05.2023 for the offence punishable under Section 366 IPC read with 5(1), 5(j)(ii), 6 of POCSO Act 2012 in Crime No.10 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that final report had been filed and the final report had also been taken cognizance in Spl.S.C.No.77 of 2023 by the Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Cuddalore.

3.The case of the prosecution is that the petitioner had committed the offence of sexual penetration against the victim, thereby, the victim girl became pregnant. Hence, the case was registered against the petitioner.

4.The learned counsel for the petitioner forwarded a copy of the report of the Forensic Department relating to DNA test and it is seen that the DNA test excludes the petitioner from being the father of the child.



CrI.OP.No.20005 of 2023

WEB COPY

5. These are issues which will have to be examined during the trial process. The petitioner has to be given an opportunity to put all his evidence, therefore, this Court is inclined to grant bail to the petitioner subject to the following 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 Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Cuddalore** 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 trial Court daily at 10.30.a.m., until further orders.

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



CrI.OP.No.20005 of 2023

[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.

05.10.2023

Smv

To

- 1.The Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Cuddalore.
- 2.Central Prison,
Cuddalore.
- 3.The Public Prosecutor,
High Court of Madras.



WEB COPY



CrI.OP.No.20005 of 2023



WEB COPY



Crl.OP.No.20005 of 2023

C.V.KARTHIKEYAN. J.

Smv

Crl.O.P.No.20005 of 2023

05.10.2023