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CrI.OP.No.21114 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.21114 of 2023

Dinesh

...Petitioner

Vs.

The State Rep by
Inspector of Police,
Peralam Police Station,
Thiruvarur District.
(Crime No.423 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with the case in Crime No.423 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.08.2023 for the offences punishable under Sections 366(A) of IPC and Section 4 of POCSO Act in Crime No.423 of 2023 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that, petitioner is falsely implicated in this case registered in Crime No. 423 of 2023 for the offences under Sections 366(A) of IPC and Section 4 of POCSO Act. Petitioner is in judicial custody from 11.08.2023. Thus, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor submitted that, petitioner is aged about 20 years. He had induced the minor girl to come out of her house and then he had committed penetrative sexual assault on her. Therefore, FIR was originally registered for the offences under Section 366 A of IPC and it was subsequently altered into Sections 366(A) of IPC and Section 4 of POCSO Act. The statement of the victim girl under



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Section 164 of Cr.P.C. was recorded and the Medical Examination of the victim girl was also over.

4. The reading of the statement of the victim girl recorded under Section 164 of Cr.P.C., shows that, on 08.08.2023, petitioner blackmailed the victim girl to get ready to come with him. Therefore, victim girl was ready and he took her to Ranipet in a Bus. They stayed in a house of one Sathish. On the next day, petitioner indulged in bad touch against the victim girl. She has stated nothing about the penetrative sexual assault committed by the petitioner against her.

4. Considering the fact that victim had stated nothing about the alleged penetrative sexual assault committed by the petitioner and the fact that, petitioner is in judicial Custody from 11.08.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five



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Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned District Munsif Cum Judicial Magistrate, Nannilam, Thiruvavarur 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 respondent Police daily at 10.00.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



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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.

13.09.2023

Sma

To

1. District Munsif Cum Judicial Magistrate,
Nannilam, Thiruvarur District
2. Inspector of Police,
Peralam Police Station,
Thiruvarur District.
3. Sub Jail, Nannilam, Thiruvarur District.
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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