



Crl.O.P.No.23602 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM

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

Crl.O.P.No.23602 of 2023

S.Paulking

... Petitioner

Vs.

The State represented by
The Inspector of Police,
AWPS – West
Coimbatore City
(Crime No.33 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.33 of 2023 on the file of
the respondent police.

For Petitioner : Mr.J.Franklin

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.09.2023 for the offence punishable under Section 341 of IPC and Section 7 r/w 8 of POCSO Act, 2012 in Crime No.33 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that an information had been received from the Child Help Line on 19.09.2023. While the victim child was going to school where here younger brother studies to pick him up on her mother's two wheeler, the petitioner appears to have stopped the two wheeler and taken the vehicle key and also asked the victim child to come inside the house. It is also stated that the further statement of the victim child had been recorded under Section 164 Cr.P.C.

3.That is an issue which has to be examined during the course of trial, but taking into consideration the facts as stated under Section 164 Cr.P.C., and other surrounding circumstances, this Court is inclined to grant bail to the petitioner.



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4. Accordingly, the petitioner is ordered to be released on bail on their executing a separate 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 Principal Special Court for exclusive trial of cases under POCSO Act, Coimbatore 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 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].



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

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To

1. The learned Principal Special Court for exclusive
Trial of cases under POCSO act, Coimbatore.
2. The Inspector of Police,
AWPS – West,
Coimbatore City.
3. The Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

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