



CrI.O.P.No.26426 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

CORAM

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

CrI.O.P.No.26426 of 2023

Dhilipkumar S/o. Perumal

...Petitioner/Accused

Vs.

State represented by the
The Inspector of Police,
All Women Police Station,
Ambur, Tirupathur District.

(Crime No.3 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No. 3 of 2023 on the file
of respondent police on such terms and conditions.

For Petitioner : Mr.T.Saravanan

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



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ORDER

The petitioner is an accused in Spl.S.C.No.108 of 2023, now pending before the Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Vellore. Originally, Crime No.3 of 2023 was registered under Section 376(2)(n) of IPC & Sections 5(1), 5(j)(ii), 6 of POCSO Act, 2012.

2.Let me not go into the details of the charges against the petitioner herein since the evidence is being recorded by the learned Sessions Judge, I am informed that the evidence of the defacto complainant had been examined and the defacto complainant had also been cross-examined.

3.In view of that particular fact since there is now no further threat of the material evidence being tampered with, I am inclined to grant bail to the petitioner subject to the following conditions:

4.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 Special Judge for Exclusive Trial of Cases under POCSO Act, 2012, Vellore, and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb



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Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the Trial Court on every Monday at 10.30 a.m., until further orders, apart from Court hearing dates.

[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].

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

5.It must also be noted that if any application is filed seeking to recall the defacto complainant for further cross-examination, then, this order will be re-visited.

21.11.2023

ata

C.V.KARTHIKEYAN. J.



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To

1. The Special Judge for Exclusive Trial of Cases under POCSO Act, 2012, Vellore
2. The Central Prison, Vellore.
3. The Inspector of Police,
All Women Police Station,
Ambur, Tirupathur District.
4. The Public Prosecutor,
High Court of Madras

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