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Crl.O.P.No.27288 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2023

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

Crl.OP.No.27288 of 2023

Sathiyamoorthi

...Petitioner

Vs.

The State of Tamil Nadu,
Represented by the Inspector of Police,
Thiruvennainallur Police Station,
Villupuram District.
Crime No.683 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.683 of 2023 on the file of the respondent police.

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

ORDER

The petitioner in Crime No.683 of 2023 registered by the respondent Police for the offences under Sections 279, 337, 294 (b), 354 (D) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, read with Section 12 of Protection of Children from Sexual Offences Act, 2012 and remanded to judicial custody on 27.09.2023 seeks bail.



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2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

3. The one factor which this Court had stated when the earlier application seeking bail was dismissed on 08.11.2023 was that the statement of the victim child under section 164(5) Cr.P.C. has not been recorded. Now the statement had been recorded. Additionally, the first accused who was absconding was also secured on 27.11.2023.

4. It is the case of prosecution that when the victim child and her friend were walking, the accused persons came in a motorcycle and dashed her, consequent to which the victim child fell down. It is stated that the second accused thereafter spoke derogatorily against the victim child.

5. Taking into consideration that investigation has been practically completed and the statement of the victim child under Section 164 (5) Cr.P.C. had been recorded and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions.



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6. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Court for Exclusive Trial of Cases under POCSO Act, (FAC) at Villupuram**, 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 everyday 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 with law as if the



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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.

12.12.2023

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To

- 1.The Special Court for Exclusive Trial of Cases under POCSO Act, (FAC) at Villupuram.
2. The Inspector of Police,
Thiruvennainallur Police Station,
Villupuram District.
Crime No.683 of 2023.
- 3.Central Prison, Cuddalore.
- 4.The Public Prosecutor, Madras High Court.



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C.V.KARTHIKEYAN, J.

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