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Crl.O.P.No.27472 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

CORAM

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

Crl.OP.No.27472 of 2023

Parasuraman

...Petitioner

Vs.

State represented by
The Inspector of Police,
Thirubuvanai Police Station,
Pudhucherry.
(Crime No.127/2023)

...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.127 of 2023 on the file of the respondent police.

For Petitioner : Mr.A.Samson
For Respondent : Mr.K.S.Mohandass
Public Prosecutor, Puducherry
assisted by M/s.N.Danalatchumy

ORDER

The petitioner seeks bail in Crime No.127 of 2023, registered by the respondent police for the offences punishable under Section 366 of IPC and Sections 6 & 17 of POCSO Act, 2012. The petitioner had been taken into custody on 01.10.2023.



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2.It is stated that on 01.09.2023, the defacto complainant had lodged a complaint about missing of the victim child. Thereafter, investigation was done and it was detected that the victim child had been taken by the petitioner to Chennai, where, there was physical relationship between the victim child and the petitioner herein.

3.The earlier application seeking bail was dismissed on 09.11.2023 in Crl.O.P.No.25681 of 2023. One change in circumstances is that the absconding accused A2, had been granted anticipatory bail by the Fast Track Court exclusively to deal with offences under the POCSO Act, Puducherry, on 10.10.2023, which fact was not brought to the notice of this Court earlier when the bail application was dismissed. Now, the copy of the same is produced by the learned counsel for the petitioner. The Court also perused the statement recorded under Section 164 (5) Cr.P.C., of the victim child.

4. Taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions.



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5. 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 **Sessions Judge, Fast Track Court for exclusive trial of cases under the POCSO Act, Puducherry** 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 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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C.V.KARTHIKEYAN, J.

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

14.12.2023

sli

To

1. The Sessions Judge, Fast Track Court for exclusive trial of cases
under the POCSO Act, Puducherry.
- 2.The Inspector of Police,
Thirubuvanai Police Station,
Pudhucherry.
(Crime No.127/2023)
- 3.Central Prison, Puducherry.
- 4.The Public Prosecutor, Puducherry.

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