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Crl.O.P.No.27689 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.27689 of 2023

Manoj

...Petitioner

Vs.

The State rep. By
The Inspector of Police,
AWPS Avinashi,
Tiruppur District.

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

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.03.2023 for the offences punishable under Sections 5(I), 5(n), 5(j)(ii), (I) r/w Section 6 of POCSO Act, which was later altered to Section 5(j)(ii), 5(I) r/w Section 6 of POCSO Act and Sections 450, 376(3) and 506(ii) of IPC in Spl.S.C.No.66 of 2023 on the file of the Fast Track Magalir Neethimandram, (FTMC), Tiruppur, in Crime No.2 of 2023 on the file of the



Crl.O.P.No.27689 of 2023

respondent police, seeks bail.

2.It is stated that charges have been framed. The victim child is aged about 14 years and studying 9th standard. She had been impregnated by the petitioner. The samples have been taken and had been forwarded for DNA testing.

3.The earlier bail application had been dismissed on 18.10.2023, in Crl.O.P.No.24255 of 2023. It is stated that after that, trial had commenced and substantial number of witnesses had been examined, including the victim child, who had been examined in chief and cross examination.

4.In view of the same, this Court is inclined to grant bail to the petitioner subject to the following conditions. 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 **learned Sessions Judge, Magalir Neethimandram, (FTMC), Tiruppur** and on further conditions that:

[a] the sureties shall affix their photographs and Left



CrI.O.P.No.27689 of 2023

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 Fast Track Magalir Neethimandram, (FTMC), Tiruppur, where, the Spl.S.C.No.66 of 2023 is pending, everyday at 10.00 a.m., till the completion of the trial apart from the 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].



WEB COPY



Crl.O.P.No.27689 of 2023

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

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To

1. The Sessions Judge,
Magalir Neethimandram, (FTMC), Tiruppur.
- 2.The Inspector of Police,
AWPS Avinashi,
Tiruppur District.
- 3.Central Prison, Coimbatore.
- 4.The Public Prosecutor, Madras High Court.

Crl.OP.No.27689 of 2023