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Crl.O.P.No.28962 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.28962 of 2023

Dhyaneshwar
S/o.Dhanasekar

...Petitioner/Accused

Vs.

State : Inspector of Police,
W4, All Women Police Station,
Kilpauk, Chennai.
Crime No.10 of 2023

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to release the petitioner on bail pending investigation in Crime
No.10 of 2023 on the file of respondent.

For Petitioner : Mr.R.Sankarasubbu
For Respondent : Mr.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner seeks bail in Crime No.10 of 2023 on the file of
respondent police for the offences punishable under Sections 9(m) r/w 10
of POCSO Act, 2012. The petitioner was arrested and remanded to
custody on 19.11.2023.

2. The case of the prosecution is that the petitioner had committed



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sexual assault on the victim girl, aged about 11 years.

3. Learned counsel for petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in this case.

4. Learned Additional Public Prosecutor submits that the statement u/s.164 Cr.P.C. of the victim girl has been recorded and the victim girl has identified the accused during the identification parade. Learned Additional Public Prosecutor submits that investigation is still pending

5. Considering the rival submissions on either side and considering the fact that the statement of the victim girl has been recorded and also considering the period of incarceration, I am inclined to grant bail to the petitioner, subject to certain conditions.

6. 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



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learned Special Sessions Judge for exclusive trial of cases under POCSO Act, Chennai 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 cards or Bank pass Books to ensure their identity;
- [b] the petitioner shall report before the trial Court everyday 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];

P.DHANABAL, J.



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gm/rsi

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

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gm/rsi

To

- 1.The Special Sessions Judge for exclusive trial of cases under POCSO Act, Chennai.
- 2.The Central Prison,
Puzhal, Chennai.
- 3.The Inspector of Police,
W4, All Women Police Station,
Kilpauk, Chennai.
Crime No.10 of 2023
- 4.The Public Prosecutor,
High Court of Madras.

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