



Crl.O.P.No.95 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

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

Crl.O.P.No.95 of 2024

Seetharaman
S/o. Padavattan

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
W.25, A.W.P.S., T. Nagar,
Chennai.
(Crime No.07 of 2023)

...Respondent / Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.07 of 2023 on the
file of the respondent police.

For Petitioner : Mr.Nirmalkrishnan

For Respondent : Mr. L. Baskaran
Govt. Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.08.2023 for the offences punishable under Sections 9(1) 9(n), r/w Section 10, 5(1)(n), r/w Section 6(1) of POCSO Act, 2012 in Crime No.7 of 2023, seeks bail.

2.The petitioner herein is the father of the victim child. The defacto complainant is the son of the petitioner herein. This Court had the benefit of perusing the statement of the victim child recorded under Section 164(5) Cr.P.C. It is stated that investigation has been completed and charge sheet has also been filed.

3.Taking all these factors into consideration and also the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner herein subject to the following condition.

4.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 Special Judge, Special Court For Exclusive Trial of Cases Under POCSO Act, Chennai, and on further conditions that:



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[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] Initially, the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, before Special Court For Exclusive Trial of Cases Under POCSO Act, Chennai, on every Monday at 10.30 a.m., apart from the Court hearing dates till framing of charges and thereafter, only during 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].



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C.V.KARTHIKEYAN. J.

smv

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

05.01.2024

smv

To

- 1.The Special Court For Exclusive Trial of Cases Under
POCSO Act, Chennai
2. The Central Jail, Puzhal, Chennai.
- 3.The The Inspector of Police,
W.25, A.W.P.S., T. Nagar,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

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