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Crl.O.P.No.657 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

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

Crl.O.P.No.657 of 2024

Raghu @ Raghuraman
S/o. Sekar

... Petitioner / A1

Vs.

The State represented by
The Inspector of Police,
Tiruvonnainallur Police Station,
Villupuram District.
(Crime No.683 of 2023)
/Complainant

... Respondent

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

For Petitioner : Mr. S. Natarajan

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



CrI.O.P.No.657 of 2024

WEB COPY

ORDER

The petitioner / A1, who was arrested and remanded to judicial custody on 03.12.2023 for the offences punishable under Sections 279, 337, 294(b), 354 of IPC r/w. Section 4 of the Prevention of Harassment of Women Act, 2002 and subsequently altered to Sections 279, 337, 294(b), 354(D) of IPC r/w. Section 12 of POCSO Act, in Crime No.683 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that earlier an anticipatory bail petition had been filed, but since the statement of the victim child under Section 164(5) Cr.P.C., had not been recorded, the said petition was dismissed as withdrawn. Thereafter, the petitioner had been secured by the respondent police. Now, this bail petition has been filed by the petitioner.

3.It is the case of the 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.

4.It is also to be noted that A2 had been granted bail by this Court in CrI.O.P.No.27288 of 2023 dated 12.12.2023.



CrI.O.P.No.657 of 2024

WEB COPY

5. Taking into consideration that investigation has been practically completed and the statement of the victim child under Section 164(5) of 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.

6. Accordingly, the petitioner is ordered to be released on bail on 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 Special Court for Exclusive Trial of Cases under POCSO Act, 2012, 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 daily 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



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CrI.O.P.No.657 of 2024

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.

18.01.2024

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To

- 1.The Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Villupuram.
- 2.The Inspector of Police,
Tiruvennainallur Police Station,
Villupuram District.
3. The District – Jail, Villupuram.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.657 of 2024

C.V.KARTHIKEYAN, J.

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Crl.O.P.No.657 of 2024

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