



Crl.O.P.No.1495 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

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

Crl.O.P.No.1495 of 2024

Dhani

...Petitioner

Vs.

The State
Rep. by Inspector of Police,
All Woman Kottakupam Police Station,
Villupuram District
(Crime No.09 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Spl.S.C.No.98 of 2023 pending before the Sessions Judge, Special Court for exclusive Trial Cases under POCSO Act, Villupuram.

For Petitioner : Mr E. Anbarasan

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

ORDER

The petitioner/accused in Spl.S.C.No.98 of 2023 pending before the Sessions Judge, Special Court for exclusive Trial Cases under



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POCSO Act, Villupuram, seeks bail. Originally, Crime No.09 of 2023 had been registered by the respondent police for the offences punishable under Sections 9(m), 10 of Protection of Child from Sexual Offence Act, 2012 r/w Section 4 of Tamilnadu Prohibition of Harassment of Woman Act, 2002.

2. The petitioner was remanded to judicial custody on 09.06.2023. The respondent has completed the investigation and also filed a final report. It is stated that the victim girl and her mother had also been cross examined during the course of trial. An earlier application filed by the petitioner was dismissed on 20.10.2023 in Crl.O.P.No.24365 of 2023.

3.Taking those factors into consideration which are significant change in circumstances, I am inclined to grant bail to the petitioner subject to the following conditions:

5.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 fresh sureties, each for a like sum to the satisfaction of the learned Session Judge Special Court for Exclusive Trial of cases



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under POCSO Act, Villupuram and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the report before the respondent police on everyday for a period of two weeks and thereafter report before the sessions Judge, Special Court for exclusive Trial Cases under POCSO Act, Villupuram on every Monday at 10.30 a.m., till completion of 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].

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

29.01.2024



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To

1. The Session Judge Special Court for Exclusive Trial of cases under POCSO Act, Villupuram
2. The Central Prison, Cuddalore
3. The State
Rep. by Inspector of Police,
All Woman Kottakupam Police Station,
Villupuram District
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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