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Crl.O.P.No.1555 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

CORAM

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

Crl.O.P.No.1555 of 2024

Vijayaganth @ Damodiran

... Petitioner

Vs.

The State represented by
Inspector of Police,
Jolarpet Police Station,
Thiruppathur District,
(Crime No. 507 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.507 of 2023 on the file
of the respondent Police.

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 08.12.2023, for the offences under Sections 363,506(2) of I.P.C and
under section 10,9(m)of POCSO Act in Crime No.507 of 2023 on the file of
the respondent Police, seeks bail.



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2.It is stated that the defacto complainant had lodged a complaint that the accused is his friend and when they both were consuming liquor the petitioner touched the victim girl badly.

3. The learned Government Advocate had stated that statement under Section 164(5) of Cr.P.C was recorded from the victim girl. He further stated that investigation has been completed and charge sheet was filed.

4.Taking this factor into consideration and the period of incarceration, 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 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 **Session Judge(Special Court for exclusive trial of cases under POSCO Act), Vellore** 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



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Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner shall report before the Session Judge(Special Court for exclusive trial of cases under POSCO Act), Vellore, every Monday at 10.30 a.m, till the completion of the Trial and thereafter, 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].

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

05.02.2024

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To

1.The Session Judge(Special Court for exclusive trial of cases under POSCO Act), Vellore

2.The Inspector of Police,
Jolarpet Police Station,
Thiruppathur District.
(Crime No. 507 of 2023)

3.The Central Prison, Vellore.

4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN,J.

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