



Crl.O.P.No.1627 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

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

Crl.O.P.No.1627 of 2024

Thirumurthy

...Petitioner

Vs.

State represented by
The Inspector of Police,
AWPS- Ulundurpet Police Station,
Kallakurichi District.
(Crime No.19 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in Crime No.19 of 2023 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.S.Saravana Kumar

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



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ORDER

The petitioner who was arrested and remanded to judicial custody on 14.10.2023 registered by the respondent police for the offences punishable under Sections 294(b), 323, 450, 506(ii) of IPC and Sections 5(l) r/w 6, 11(4), 12 of POCSO Act, 2012, in Crime No.19 of 2023, seeks bail.

2.It is stated that the petitioner is having a fancy shop and the victim child was working as a sales girl in the shop. It is further stated that without knowledge of the wife of the petitioner, the petitioner herein had physical relationship with the victim child and this was objected by the wife of the petitioner. The wife of the petitioner had been arrayed as A2.

3.The investigation has been completed and final report had also been filed.

4.Taking that factor into consideration, since all the issues will have to be proved during the course of trial, 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) each with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Villupuram (FAC) 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

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

15.02.2024

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To

1. The Sessions Judge, Special Court for
Exclusive trial of cases under POCSO Act,
Villupuram (FAC).
2. The Central Prison, Cuddalore.
3. The Inspector of Police,
AWPS- Ulundurpet Police Station,
Kallakurichi District.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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