



Crl.O.P.No.3026 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

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

Crl.O.P.No.3026 of 2024

Sathish @ Sathish Kumar

... Petitioner

Vs.

The Inspector of Police,
Vennandur Police Station,
Namakkal District
Crime No.133 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.133 of 2023 on the file of
the respondent Police.

For Petitioner : Mr.C. Deepa Kumar

For Respondent : Mr.L. Baskaran
Government Advocate

ORDER

The petitioner/A1 seeks bail in Crime No.133 of 2023, registered
by the respondent for the offences punishable under Sections 294(b), 323,
324, 147, 148 of IPC and Sections 7, 8 of POCSO Act, 2012. The petitioner



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had been remanded to judicial custody on 26.09.2023

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2.The learned counsel for the petitioner stated that the occurrence is said to have happened on 12.07.2023 and the FIR had been registered on 14.07.2023. It is stated that when the victim child had undergone puberty function, the accused had misbehaved with her.

3.The learned counsel for the petitioner stated that it was only natural the petitioner had expressed his views to the victim child. However, the statement under Section 164(5) Cr.P.C., of the victim child had been recorded and she had very clearly stated about the nature of offence committed.

4. This is 3rd application seeking bail and an earlier application had been dismissed and the change in circumstance is that the final report had been filed but not taken on file and the same is pending. On 11.12.2023 it had been stated that charges should be framed and evidence should be recorded. Though the final report is filed the same has not taken cognizance.



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5.Taking that factor into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

6.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 **Principal Mahila Sessions Court, Namakkal** 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



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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.

13.02.2024

smn

To

1.The **Principal Mahila Sessions Court, Namakkal**

2.The Central Prison, Salem.

3.The Inspector of Police,
Vennandur Police Station,
Namakkal District

4. The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN,J.

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