



Crl.O.P.No.1948 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM

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

Crl.O.P.No.1948 of 2024

Vikensh @ Pulippandi

...Petitioner

Vs.

State represented by
Inspector of Police,
Morappur Police Station,
(Crime No.341 of 2023)
Dharmapuri District

...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.341 of 2023 on the file of the respondent police on such terms and conditions.

For petitioner : Mr.R. Prabakar

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



Crl.O.P.No.1948 of 2024

WEB COPY

ORDER

The petitioner seeks bail in Crime No.341 of 2023, registered by the respondent police for the offences punishable under Section 354A of the Indian Penal Code, read with Section 2(b) of the POCSO Act. The petitioner had been arrested and remanded to judicial custody on 25.11.2023.

3.It is stated that the victim girl and the petitioner were known to each other and they both had gone away. Thereafter, the offences were altered to Sections 5(1), 6(1) of POCSO Act.

4.**It is seen from records that the matter was adjourned on two occasions.** The Statement recorded under Section 164(5) of Cr.P.C reveals that the victim girl had known the accused and she went along with him. Thereafter she was rescued.

5.**Taking into consideration the period of incarceration which is more than 90 days** and all other factors, 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



Crl.O.P.No.1948 of 2024

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, Dharmapuri** 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.,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 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.



CrI.O.P.No.1948 of 2024

WEB COPY

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To

1. The **Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Dharmapuri**

2. The Sub Jail, Dharmapuri

3Inspector of Police,
Morappur Police Station,
(Crime No.341 of 2023)
Dharmapuri District

4.The Public Prosecutor, High Court of Madras.



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Crl.O.P.No.1948 of 2024

C.V.KARTHIKEYAN. J.

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Crl.O.P.No.1948 of 2024

22.02.2024