



Crl.O.P.No.1943 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

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

Crl.O.P.No.1943 of 2024

Tamilselvan @ Tamil

...Petitioner

Vs.

State represented by
The Inspector of Police,
All Women Police Station - East,
Coimbatore city.
(Crime No.73 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.73 of 2023 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.M.Vijaya Ragavan

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

ORDER



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The petitioner who was arrested and remanded to judicial custody on 26.12.2023 registered by the respondent police for the offences punishable under Sections 9(l) r/w 10 of POCSO Act, 2012 and Sections 342, 449, 323, 354A, 354D and 506(i) of IPC, in Crime No.73 of 2023, seeks bail.

2.It is stated that the complaint had been lodged by the victim stating that when she was in 9th standard, the petitioner herein had forceful physical relationship. Later, the mobile phone had been recovered by the victim girl and her mother.

3.The learned counsel for the petitioner stated that the petitioner had also given a complaint of assault against the family members of the victim girl.

4.Taking all the factors into consideration and the period of incarceration undergone by the petitioner, 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, Principal Special Court for Exclusive trial of



cases under POCSO Act, Coimbatore 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] at the time of executing sureties, the petitioner shall file an affidavit of undertaking stating that he will never approach the victim child or come near her for any purpose whatsoever.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

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



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To

1. The Principal Sessions Judge, Special Court for
Exclusive trial of cases under POCSO Act,
Coimbatore.
2. The Central Prison, Coimbatore.
3. The Inspector of Police,
All Women Police Station - East,
Coimbatore city.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

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