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Crl.OP.No.2889 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.OP.No.2889 of 2024

Sarathkumar

..Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.72 of 2023 pending
investigation on the file of the respondent police.

For Petitioner : Mr.R.Thamarai Selvan

For Respondent : Mr.V.Meganathan
Government Advocate (Crl.side)

ORDER



Crl.OP.No.2889 of 2024

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 04.03.2023 for the offences punishable under Sections 366, 342 and 344 of IPC read with Section 5(I), 5(j)(ii), 6 of POCSO Act, Section 9 of Child Marriage Act in Crime No.72 of 2023 on the file of the respondent police, seeks bail.

2. It is the submission of the learned counsel for the petitioner that, petitioner is falsely implicated as accused in Crime No.72 of 2023 for the offences under Sections 366, 342 and 344 of IPC read with Section 5(I), 5(j)(ii), 6 of POCSO Act, Section 9 of Child Marriage Act. Petitioner is in Judicial Custody from 04.03.2023. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) submitted that, petitioner is aged about 22 years and the victim girl is aged 16 years. Petitioner has committed penetrative sexual assault against the victim girl. Section 164 of Cr.P.C., statement of the victim girl was recorded and medical examination was over. Hence, he opposed this petition.

4. When queried, the learned Government Advocate (Crl.



Crl.OP.No.2889 of 2024

Side) submitted that, charges are not yet framed in this case.

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5. Considering the completion of investigation, filing of final report, duration of petitioner's custody, this Court is inclined to grant bail to the petitioner with conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Sessions Judge, Special Court for Exclusively Trial of cases under the POCSO Act, Villupuram** 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 Sessions Judge, Special Court for Exclusively Trial of cases under the POCSO Act, Villupuram on all working days at 10.30.a.m., until further orders.

[c] the petitioner shall not abscond either during



Crl.OP.No.2889 of 2024

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.

14.02.2024

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To

1. Sessions Judge, Special Court for Exclusively
Trial of cases under the POCSO Act, Villupuram

<https://www.mhc.tn.gov.in/judis>



Crl.OP.No.2889 of 2024

WEB COPY

2.The State Represented by,
The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.

3.Central Prison,
Cuddalore.

4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.

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Crl.OP.No.2889 of 2024

Crl.O.P.No.2889 of 2024

14.02.2024