



Crl.O.P.No.4296 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

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

Crl.O.P.No.4296 of 2024

Chandran

...Petitioner/Accused-2

Vs.

State represented by
The Station House Officer,
Thirunallar Police Station,
Karaikal District,
Puducherry.

(Crime No.150 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.150 of
2023 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.T.Elumalai

For Respondent : Mr.K.S.Mohandoss
Public Prosecutor, Puducherry
Assisted by Mrs.N.Danalatchoumy



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ORDER

The petitioner/A2 who was arrested and remanded to judicial custody on 16.12.2023 for the offences punishable under Section 363 of IPC @ 366(A) of IPC r/w 34 of IPC and Sections 4 and 17 of POCSO Act, 2012, and Section 9 of Prohibition of Child Marriage Act, 2006 in Crime No.150 of 2023 on the file of the respondent police, seeks bail.

2.The petitioner is the own brother of A1. It is stated that A1 who is already married, had lured the victim child into physical relationship and had taken her to a lodge and had physical relationship and later, brought her to the house of this petitioner, who accommodated them, and again they had relationship in the house of this petitioner. Thereafter, she had been just dropped away in the middle of the road and was later rescued by the respondent.

3.The earlier application seeking bail was dismissed on 06.02.2024 in Crl.O.P.No.803 of 2024.

4.The change in circumstance is that investigation has been completed and final report had also been filed before the jurisdictional Court. But however, it had been returned for the reason that statement



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recorded under Section 164(5) of Cr.P.C., had not been appended by the respondent.

5.The learned counsel for the petitioner pointed out that there is no specific allegation as against this petitioner after committing the offence under POCSO Act particularly Section 6 of POCSO Act. It is stated that all the allegations are only against A1.

6.Taking all these factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

7.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 Special Judge, Karaikal, 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 Morning at 10.30 a.m., and Evening at 5.30 p.m., until further orders.

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



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[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.

18.03.2024

ata

C.V.KARTHIKEYAN. J.

ata

To

4/5



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1. The Special Judge, Karaikal.
2. Sub Jail, Karaikal.
3. The Station House Officer,
Thirunallar Police Station,
Karaikal District,
Puducherry.
4. The Public Prosecutor,
High Court of Madras.

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