



CrI.O.P.No.4098 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

CORAM

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

CrI.O.P.No.4098 of 2024

Radhakrishnan

...petitioner

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Tiruppur South, Tiruppur District.
(Crime No.26 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.26 of 2023 on the file of the respondent Police.

For petitioner : Mr.C.S.Saravanan

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 01.12.2023 registered by the respondent Police for the offences under Sections 7 and 8 of POCSO Act, in Crime No.26 of 2023, seeks bail.



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2.The learned counsel for the petitioner stated that the entire allegations is false and there was an existing landlord and tenant dispute between the petitioner and the defacto complainant's family.

3.The Court had the benefit of perusing the statement recorded from the victim girl under Section 164(5) Cr.P.C.

4.Taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

5. Accordingly, the petitioner is ordered to be released on bail on 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, Magalir Neethimandram (FTMC), Tiruppur 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.



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[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.

21.02.2024

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To

1. The Sessions Judge, Magalir Neethimandram (FTMC), Tiruppur.
2. The Central Prison, Tiruppur.
3. The Inspector of Police,
All Women Police Station,
Tiruppur South, Tiruppur District.
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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