



Crl.O.P.No.4934 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM

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

Crl.O.P.No.4934 of 2024

Mathan @ Mathanraj

...Petitioner/Accused

Vs.

State represented by
The Station House Officer,
Nedungadu Police Station,
Karaikal.

(Crime No.67 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 Spl.S.C.No.15 of 2023 on the file of the District Sessions Judge, Karaikal, on such terms and conditions.

For Petitioner : Mr.S.P.Vijayaragavan

For Respondent : Mr.M.V.Ramachandramurthy
Additional Public Prosecutor
Puducherry



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ORDER

The petitioner /accused in Crime No.67 of 2023, registered by the respondent police for the offence under Section 12 of POCSO Act, seeks bail. The petitioner had been remanded to judicial custody on 04.10.2023.

2.After investigation, final report has been filed and the same has been taken cognizance as Spl.S.C.No.15 of 2023, which is pending before the District and Sessions Judge, Karaikal.

3.It is informed that the victim child and the mother of the victim child had been examined and cross-examined.

4.Taking those factors into consideration and without entering into any discussion on merits of the case to a large extent and the fact that the threat to the victim child is now evaporated since she had been examined and cross-examined, I am inclined to grant bail to the petitioner herein subject tot he following conditions:

5.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



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of the Special Judge (under POCSO Act), 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 appear before Special Judge (under POCSO Act), Karaikal, on every Monday at 10.30 a.m., till completion of trial.

[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.

07.03.2024

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C.V.KARTHIKEYAN. J.



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To



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1. The Special Judge (under POCSO Act), Karaikal.
2. The Central Prison, Pondicherry.
3. The Station House Officer,
Nedungadu Police Station,
Karaikal.
4. The Public Prosecutor,
High Court of Madras.

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