



Crl.O.P.No.5810 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

CORAM

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

Crl.O.P.No.5810 of 2024

R. Senthil Raja

...Petitioner

Vs.

State represented by
The Inspector of Police,
All Women Police Station, K10,
Koyambedu, Chennai.
(Crime No.215 of 2023).

...Respondent/Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Spl.S.C.No.199 of 2023 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

For Petitioner : Mr.C.Deivasigamani

For Respondent : Mr.V.J.Priyadarsana
Govt. Advocate (Crl. Side)



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Crl.O.P.No.5810 of 2024

ORDER

The petitioner / accused seeks bail in Spl.S.C.No.199 of 2023 now pending trial before the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

2.Originally, the petitioner was arrested and remanded to judicial custody on 14.05.2023 for the offences punishable under Sections 5(j)(ii), 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No.215 of 2023 on the file of the respondent.

3.It is stated that the victim was an employee of the petitioner herein and taking advantage of that fiduciary relationship and exercising influence, the petitioner had committed the aforementioned offence. The victim had also been impregnated and had been admitted in the hospital. At that time, the offence came to light, an FIR was registered.

4.The earlier application seeking bail filed by the petitioner in Crl.O.P.No.18599 of 2023 was dismissed by this Court on 03.10.2023.

5.After that particular date, the DNA had been compared between the foetus and the petitioner and it had been confirmed that it is the



Crl.O.P.No.5810 of 2024

petitioner who was responsible for the victim child being impregnated.

Thereafter, additional final report has also been filed by the respondent.

6.The learned counsel for the petitioner stated that the petitioner is suffering from heart problem and therefore, stated that the petitioner can be let out on interim bail for a period of 5 days. He also stated that the petitioner will stay away from Chennai and even at Nagercoil and he will not interfere with the victim child.

7.The second bail petition was dismissed on 15.02.2024 in Crl.O.P.No.525 of 2024. The one change in circumstance is that an Advocate has now been appointed on behalf of the accused. The trial has to now start.

8.In view of that particular fact, I am inclined to grant bail to the petitioner subject to the following conditions:

9.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 learned Special Court For Exclusive Trial of Cases under POCSO Act, Chennai, and on further conditions that:



Crl.O.P.No.5810 of 2024

[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 the trial Court everyday at 10.30 a.m., apart from the Court hearing dates, till completion of the 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.

03.04.2024

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CrI.O.P.No.5810 of 2024

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To

1. The Special Court For Exclusive Trial of Cases under POCSO Act,
Chennai
2. The Central Prison, Puzhal.
3. The The Inspector of Police,
All Women Police Station, K10,
Koyambedu, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.5810 of 2024

C.V.KARTHIKEYAN. J.

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Crl.O.P.No.5810 of 2024

03.04.2024