



Crl.O.P.No.7306 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **25.03.2024**

CORAM

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

Crl.OP.No.7306 of 2024

Uma

...Petitioner

Vs.

State rep by,
Inspector of Police,
AWPs Thiruvannamalai.
(Crime No.9 of 2022)

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.9 of 2022 on the file of the respondent police.

For Petitioner : Mr.T. Shanmugam

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

ORDER

The petitioner/A3 who was arrested and remanded to judicial custody on 24.08.2023 for the offences punishable under Sections 5(1), 6 of POCSO Act, 2012 and Sections 9 and 10 of Prohibition of child Marriage Act, 2006 in Crime No. 9 of 2022 seeks bail. **It is stated that this petitioner**



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had been remanded to custody on execution of Non Bailable Warrant.

2. Let me not enter into a detailed discussion on facts, since charge sheet has been filed and the matter is now posted for trial before the learned Sessions Judge, Special Court for Exclusive Trial of Cases Under POCSO Act, 2012, Thiruvannamalai. The earlier application seeking bail was dismissed by this Court in Crl.O.P.No.28606 of 2023 vide order dated 03.01.2024. This Court had observed that the chief examination and cross examination should be completed. The learned counsel for the petitioner submitted the chief examination and cross examination was completed. The learned Government Advocate also received the said instructions in the open Court.

3. Taking all the factors into consideration and the fact that the victim girl had also been examined in the Court below, this Court is inclined to grant bail to the petitioner subject to the following conditions.



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4. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two fresh sureties, each for a like sum to the satisfaction of the **learned Sessions Judge, Special Court for POCSO Act Cases Thiruvannamalai** 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 POCSO Act Cases Thiruvannamalai on every Monday at 10.30 a.m., till completion of trial, apart from the Court hearing dates.

[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].



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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 229A IPC.

25.03.2024

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To

1. The **Sessions Judge, Special Court for POCSO Act Cases
Thiruvannamalai**

2. Inspector of Police,
AWPs Thiruvannamalai.
(Crime No.9 of 2022)

3. The Central Prison, Vellore

4. The Public Prosecutor, Madras High Court.

C.V.KARTHIKEYAN, J.



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