



Crl.O.P.No.8366 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

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

Crl.O.P.No.8366 of 2024

Suresh

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
AWPS Nannilam,
Nannilam,
Tiruvarur District.
(Crime No.01 of 2024)

...Respondent/Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.01 of 2024 on the
file of the respondent police.

For Petitioner : Mr.D.Padmanabhan

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



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ORDER

The petitioner / accused who was arrested and remanded to judicial custody on 09.01.2024 for the offences punishable under Sections 5(1), 5(j)(ii) and 6 of POCSO Act, 2012 in Crime No.01 of 2024 on the file of the respondent, seeks bail.

2.It is stated that the petitioner had committed penetrative sexual assault on the victim girl who is aged about 15 years. It is also stated that the petitioner has committed sexual assault on the victim girl many times, due to which she had become pregnant and foetus was aborted. It is stated that investigation will have to proceed with regard to DNA.

3.Earlier petition seeking bail was dismissed on 05.03.2024 in Crl.O.P.No.4362 of 2024. It is stated that investigation has been completed and charge sheet has also been filed before the jurisdictional Court.

4.In view of that particular fact, I am inclined to grant bail to the petitioner subject to the 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 of the Additional Mahila Court Judicial Magistrate (Level), Thiruvarur 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 daily at 10.30 a.m., until further orders.

[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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C.V.KARTHIKEYAN. J.

smv

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

05.04.2024

smv

To

1. The Additional Mahila Court, Judicial Magistrate (Level), Thiruvavur.
2. The District Jail, Nagapattinam
3. The Inspector of Police,
AWPS Nannilam,
Nannilam,
Tiruvavur District.
4. The Public Prosecutor,
High Court of Madras.

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