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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.9417 of 2024

Rudra Moorthi

... Petitioner

Vs.

State Rep by.
The Inspector of Police
W-17 AWPS Peravallur Police Station,
Chennai.
Crime No. 18 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Spl. SC. No. 90 of 2024 pending
on the file of the Special Court for Exclusive Trial of cases under POCSO
Act, Chennai.

For Petitioner : Mr.B.S.Manikandan
For Respondent : Mr.V.Meganathan,
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **27.12.2023** for the alleged offences punishable under Sections Section 5 (m)(n) 6, 9(m)(n) 10 of Protection of Children from Sexual Offences Act 2012 **in crime No. 18 of 2023** on the file of the respondent, seeks bail.

2. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as if he committed penetrative sexual assault against the victim girl. Further, he stated that the petitioner is an Advocate and ready to abide any conditions.

3. It is the submission of the learned government advocate that the defacto complainant who is the mother of the victim girl had illegal intimacy with the petitioner. Further, the petitioner is a married man and no issues. The defacto complainant has two children one among them is victim girl and also the defacto complainant is separated from his husband. While getting legal opinion the defacto complainant developed relationship with the petitioner. On the date of alleged occurrence, the defacto complainant also with the



victim girl at that time the petitioner had sexually abused the victim girl who is aged about 9 years. So, the complaint was given. Based on the complaint, the petitioner was arrested and thereafter statement under Section 164 Cr.P.C has been recorded, wherein the victim girl has stated that at the compulsion of one police officer she gave the said complaint.

4. Further, on perusal of the medical records, it shows that the victim was not taken to hospital for medical examination in spite of request made by the Doctor. On seeing the conduct of the the defacto complainant, she was not taken child for medical examination. Further, the allegation of the petitioner is that there was dispute between the petitioner and the police officials so he falsely implicated in this case.

5. Taken into consideration of the period of incarceration undergone by the petitioner and also the investigation has been completed. Hence, this Court is inclined to grant bail to the petitioner.

6. 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 sureties (one must be a blood surety)**, 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:



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[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 on every Saturday at 10.30 a.m. until further orders and shall not have any communication with the victim girl;

[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 abscond, a fresh FIR



can be registered under Section 229A IPC.

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T.V.THAMILSELVI,J.

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To

1. The **Special Court for Exclusive Trial of cases under POCSO Act, Chennai.**
2. The Inspector of Police
W-17 AWPS Peravallur Police Station,
Chennai.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.9417 of 2024

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