



Crl.O.P.No.10296 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM

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

Crl.O.P.No.10296 of 2024

Mafiz Miah

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
W-22, All Women Police Station,
Mylapore,
Chennai – 600 004.
(Crime No.15 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 Crime No.15 of 2023 on the
file of the respondent police..

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



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ORDER

The petitioner who was arrested and remanded to judicial custody on 26.10.2023 for the offences registered under Sections 9(e) r/w Section 10 of POCSO Act in Crime No.15 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is having permanent resident at Tirupura and he was working as a ward boy in Cauvery Hospital at Mylapore, Chennai. It is stated that when the victim girl was admitted in the hospital, the petitioner had sexually assaulted her. The statement under Section 164(5) Cr.P.C., has been recorded from the victim girl.

3.The earlier petition seeking bail was dismissed on 27.02.2024 in Crl.O.P.No.4641 of 2024. A report had also been forwarded by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, that the victim child is in USA and she will have to be examined only through video conference.



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4.Taking all the factors into consideration and considering the period of incarceration suffered by the petitioner and also the fact that the petitioner has come forward to produce blood surety, this Court is 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, out of which, one surety must be a blood surety, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, 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 everyday at 05.30 p.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.



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[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.

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To

1. The Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai
2. The Central Prison – II, Puzhal, Chennai – 600 066.
3. The The Inspector of Police,
W-22, All Women Police Station,
Mylapore,
Chennai – 600 004.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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