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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

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

Crl.O.P.No.9408 of 2024

K.Kubendhiran @ Gubendran Gubi

... Petitioner

Vs.

State Rep by.
The Inspector of Police
All Women Police Station,
Villupuram, Vellupuram District.
Crime No. 12 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail and release him in crime No. 12 of
2024 on the file of respondent police.

For Petitioner : Mr.Tamil Selvan
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 **24.02.2024** for the alleged offences punishable under Sections 366, 343 IPC r/w Section 5(l), 6 of Protection of Children from Sexual Offences Act (POCSO) 2012 **in crime No. 12 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner had committed the offence of sexual assault against the willingness of the victim girl. Hence, the case.

3. Heard both sides.

4. The statement of victim girl under Section 164 Cr.P.C has been recorded, wherein she stated that out of love affair she eloped with the petitioner and had sexual intercourse with him. Further, the investigation is almost completed. Hence, this Court is inclined to grant bail to the petitioner.



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5. 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 Judge for POCSO Act cases Court, Villupuram** 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 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 Judge for POCSO Act cases Court, Villupuram.**
2. The Inspector of Police
All Women Police Station,
Villupuram, Vellupuram District.
3. The District Prison, Villupuram.
4. The Public Prosecutor,
High Court of Madras.

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