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CRL O.P. No.10333 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.10333 of 2024

Balaji

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
Nettapakkam Police Station,
Puducherry.

(Crime No.163 of 2023)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.163 of 2023, on the file of the respondent.

For Petitioner : Mr.K.Kannadhasan

For Respondent : Mr.K.S.Mohandass
Public Prosecutor
(Puducherry)
Assisted by Mrs.Danalakshmi



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ORDER

The petitioner seeks bail in Spl.S.C.No.08 of 2024 on the file of the learned Sessions Judge, Fast Track Court Exclusively to Deal with Offences under the POCSO Act, Puducherry, for the offences punishable under Sections 6 and 15 of POCSO Act, 2012, and Section 506(II) of IPC. The petitioner has been remanded to judicial custody on 05.11.2023.

2.The case of the prosecution is that the petitioner had taken photos of the victim girl through his mobile phone, threatening her that he would post the said photos in social media, taken the victim to his house and committed aggravated penetrative sexual assault on the victim girl. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has been in custody from 05.11.2023. He would further submit that investigation has been



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completed and charge sheet has also been filed. He would also submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner had taken photos of the victim girl, threatening that he will post her photos in social media and committed aggravated penetrative sexual assault on the victim girl. He would further submit that investigation has been completed and charge sheet has also been filed and the trial also commenced. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering that investigation has been completed and trial has already been commenced and the material witnesses were also examined and considering the number of days of incarceration undergone by the



petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] 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 **Fast Track Court Exclusively to Deal with Offence under the POCSO Act, Puducherry**, and on further conditions that;

[b] the Petitioner shall report before the Fast Track Court Exclusively to Deal with Offence under the POCSO Act, Puducherry, on every working day at 10.30 a.m., until further orders.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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]; and



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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

02.09.2024

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To

- 1.The Fast Track Court Exclusively to Deal with Offence under the POCSO Act, Puducherry.
- 2.The Inspector of Police,
Nettapakkam Police Station,
Puducherry.
- 3.Central Jail, Puducherry.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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