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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM

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

Crl.O.P.No.9799 of 2024

Deepak

... Petitioner

Vs.

State Rep by.
The Inspector of Police,
Chennai Central Railway Police Station,
Chennai.
Crime No. 161 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., the bail may be granted to the petitioner on the file pending the Spl. S.C No. 184 of 2022 Hon'ble Principal Special judge POCSO Court at Chennai.

For Petitioner : Mr.P.Sundara Rajan
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested on 13.03.2023 on execution of NBW for the offence punishable under Sections 10 of POCSO Act 506(ii) IPC in crime No. 161 of 2022 on the file of the respondent police.

2. The learned counsel for the petitioner submits that the petitioner's father was expired due to which he was not able to attend the Court. Hence, he prays to grant bail to the petitioner. On the other side, the learned Government Advocate submits that the petitioner is absconded for more than one year. He raised objection to grant bail.

3. Considering the fact that the petitioner was not appeared before the trial Court due to his father's death. Hence, this Court is inclined to grant bail to the petitioner.

4. 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 Principal Special Judge POCSO Judge at 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 stay at Chennai and report before the Trial Court on every Tuesday and Thursday at 10.30 a.m. and also for every hearing without fail.

[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.

23.04.2024

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T.V.THAMILSELVI,J.

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To

1. The **Principal Special Judge POCSO Judge, Chennai**
2. The Inspector of Police,
Chennai Central Railway Police Station,
Chennai.
3. The Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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