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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM

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

Crl.O.P.No.10346 of 2024

Abbaskhan ... Petitioner

Vs.

State Rep by.
The Inspector of Police
AWPS Kangeyam Police Station,
Tiruppur.
Crime No. 5 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., pleased to enlarge the petitioner on bail in connection with crime No. 5 of 2024 on the file of the respondent police.

For Petitioner : Mr.Balaji Sankara Moorthy
For Respondent : Mr.V.Meganathan,
Government Advocate (Crl. Side)

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O R D E R

The petitioner, who was arrested and remanded to judicial custody on **16.02.2024** for the alleged offences punishable under Sections Section 7 and 8 of Protection of Children from Sexual Offences Act 2012 **in crime No. 5 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner had touched the victim girl's breast and also hugged her. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Hence, he prays to allow this petition. On the other side, the learned Government Advocate Crl. side submits that the petitioner has sexually abused the victim girl. He prays to dismiss this petition.

4. Heard both sides.

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

6. Accordingly, the petitioner is ordered to be released on bail on

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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 Sessions Judge, Mahalir Neethimandram, FTMC, Tiruppur,** 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

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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 **Sessions Judge, Mahalir Neethimandram, FTMC, Tiruppur.**
2. The Inspector of Police
AWPS Kangeyam Police Station,
Tiruppur.
3. The Central Prison, Coimbatore.

4. The Public Prosecutor,
High Court of Madras.

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