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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2024

CORAM

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

Crl.O.P.No.13912 of 2024

E.Selvaraj

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
AWPS Chengalpattu Police Station,
Chengalpet District.
(Crime No.10 of 2022)
...Respondent/Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Spl.S.C.No.49 of 2023 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpet.

For Petitioner : Mr.T.I.Ramanathan

For Respondent : Mr.V.J.Priyadarsana,
Govt. Advocate (Crl. Side)



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ORDER

The petitioner seeks bail in Spl.S.C.No.49 of 2023 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpet.

2.Originally, the petitioner was arrested and remanded to judicial custody on 27.11.2022 for the offences punishable under Sections 5(i), 5(r) r/w Section 6 of POCSO Act, 2012 and Sections 450, 354(B), 307, 376(1), 376(2)(j), 342 and 325 of IPC in Crime No.10 of 2022 on the file of the respondent police.

3.The age of the victim child is 17 years and her statement had been recorded under Section 164 Cr.P.C., wherein, she had stated about the nature of the offence.

4.The earlier petition seeking bail was dismissed on 18.10.2023 and this Court had observed that the cross-examination of the victim and the material witnesses should be completed. It is seen that there has been further progress in the trial. It is also stated that LW-1 / the mother of the victim, LW-2 / victim and LW-4 / the grandmother of the victim had all been examined in chief and also cross-examined.



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5. In view of that particular fact and also considering the period of incarceration suffered by the petitioner, I am inclined to grant bail to the petitioner subject to the following conditions:

6. 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 Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpet, 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 appear before the trial Court everyday at 10.30 a.m., apart from the Court hearing dates, till completion of the trial.

[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



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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.

22.07.2024

smv

To

1. The Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpet.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
AWPS Chengalpattu Police Station,
Chengalpet District.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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