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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

CORAM

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

Crl.O.P.No.15242 of 2024

Selvaraj @ Selvarasu

... Petitioner

Vs.

State Rep by.

The Inspector of Police

Kallakurichi All women Police Station,,

Kallakurichi District. Crime No. 8 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased order to enlarge the petitioner on bail in Crime No. 8 of 2024 on the
file of the respondent police.

For Petitioner : Mr.C.DeepakKumar

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

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 07.04.2024 for the alleged offences punishable under Sections 11(1), 12 of the Protection of Children from Sexual offences Act, and Section 4 of TNPHW Act **in crime No. 8 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner had showed his private part to the victim child. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner is aged about 60 years old who has been falsely implicated in this case. Hence, he prays to allow this petition.

4. The learned Government Advocate (Crl Side) submits that the statement of the victim girl has been recorded.

5. On perusal of the victim girl statement, wherein she stated that on 06.04.2024, the petitioner showed his private party. Considering the fact, victim girl statement has been recorded and the investigation is almost completed. Hence, this Court is inclined to grant bail to the petitioner with the following conditions:



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6. 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 District and Sessions court cum Special Court for POCSO Act, Kallakurichi,** 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 alternative days at 10.30 a.m., until further orders

[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 **Principal District and Sessions court cum Special Court for POCSO Act, Kallakurichi.**

2. The Inspector of Police
Kallakurichi All women Police Station,,
Kallakurichi District.

3. The Central Prison, Salem.

4. The Public Prosecutor,
High Court of Madras.

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