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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM

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

Crl.O.P.No.16833 of 2024

Narasimman

... Petitioner

Vs.

State Rep by.
The Inspector of Police
Omerabad Police Station,
Vellore District. Crime No. 431 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Cr. No. 431 of 2023 pending on
the file of the The Inspector of Police, Omerabad Police Station, Vellore
District.

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.05.2024 for the alleged offences punishable under Sections 363, 366, 376(2) (n) IPC and Section 5(l), 6 of POCSO Act, 2012 **in crime No. 431 of 2023** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner had kidnapped the victim girl and had committed sexual assault. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as if he committed sexual assault on the victim child who is aged about 14 years. Further, he ready to abide any conditions. 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. Considering the fact, statement of the victim girl has been recorded under Section 164 Cr.P.C 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 Special Judge for Exclusive Trial of cases under POCSO act, 2012, Vellore, Vellore District**, 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 10.00 a.m., for a period of two months.

[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 **Special Judge for Exclusive Trial of cases under POCSO act, 2012, Vellore, Vellore District.**

2. The Inspector of Police
Omerabad Police Station,
Vellore District.

3. The Central Prison, Vellore.

4. The Public Prosecutor,
High Court of Madras.

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