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CRL O.P. No.18829 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :12.08.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.18829 of 2024

Muthazhagan S/o. Desing

... Petitioner / Accused

Vs

State rep. by:-

The Station House Officer,
Villianur, Police Station,
Pondicherry.
[Cr. No.141 of 2024]

... Respondent

For Petitioner : Mr. V.Anicet Aroquiaradj
For Respondent : Mr.K.S.Mohandoss
Public Prosecutor (Puducherry)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER: - The Criminal Original Petition is filed under Section 439 of The Cr.P.C. praying to grant bail to the petitioner in Crime No.141 of 2024 on the file of the respondent police.

ORDER

The petitioner/accused, who was arrested and remanded to judicial



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custody on 12.05.2024 for the offence punishable under Section 6 of POCSO Act, 2012, in Crime No.141 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had forcefully had sex with the victim girl, as a result of which, she got pregnant and gave birth to a baby boy at Puducherry Government Hospital. During the enquiry by the respondent Police, the victim girl herself gave her statement and hence the petitioner was arrested and remanded to judicial custody on 12.05.2024. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent and a false case has been foisted against him. He is in judicial custody for more than 72 days. Hence, he seeks bail.

4. The learned Public Prosecutor (Puducherry) would submit that the petitioner was arrested and remanded to judicial custody on 12.05.2024 for forcefully having sex with the victim minor girl, as a result of which, she got pregnant and gave birth to a baby boy at Puducherry



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Government Hospital. Hence he opposed to grant bail to the petitioner.

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5. Heard both side counsels and perused the materials available on record.

6. Considering the representation made on either side and considering the fact that the investigation is completed and taking into consideration of the tenure of the custody undergone by the petitioner, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] 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 learned **Session Judge Fast Track Court (POCSO Act), Pondicherry**, and on further conditions that:

[b] the petitioner shall report before the learned Session Judge Fast Track Court (POCSO Act), Pondicherry, on every working day,



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until further orders.

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[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

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To

- 1.The Session Judge Fast Track Court (POCSO Act),
Pondicherry.
- 2.The Station House Officer,
Villianur, Police Station,
Pondicherry.
- 3.The Central Jail, Pondicherry.
- 4.The Public Prosecutor (Puducherry), High Court, Madras.



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P.DHANABAL,J.

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