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CRL O.P. No.19432 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2024

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.19432 of 2024

1. Prathap @ Prathapkumar S/o. Kumar
2. Sanjay S/o. Ramachandran ... Petitioners/Accused
Vs

State rep. by:-

The Station House Officer,
Muthialpet Police Station,
Puducherry. ... Respondent
[Cr. No.61 of 2024]

For Petitioner : Mr. N. Rangaswamy
For Respondent : Mr. K.S. Mohandass
Public Prosecutor, Puducherry

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER:- The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioners/Accused in Crime No.61 of 2024 on the file of the respondent police.



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ORDER

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The petitioner/Accused, who was arrested and remanded to judicial custody on 03.06.2024 for the offences punishable under sections 366, 366(A) IPC and Sections 4 and 6 of POCSO Act in Crime No.61 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the minor victim girl was subjected into penetrative sexual assault by the accused. Hence, the complaint.

3. The learned counsel for the petitioners would contend that the petitioners are A2 and A3 and they have not committed any offence as alleged in the FIR. They are in judicial custody for the past more than 2 months. Charge sheet is filed. A1 was already granted bail. The petitioners are ready to abide by any condition imposed by this Court. Hence, they seek bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioners were arrested and remanded to judicial



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custody on 02.06.2024. The victim girl is a minor, aged about 17 years.

The accused had committed aggravated penetrative sexual assault on the minor victim girl. There are three accused in this case and the petitioners are A2 and A3. If they are released on bail, they would threaten the victim girl and would abscond. Hence he objected to grant bail to the petitioners. The learned Government Advocate (Criminal Side) would further submit that statement of the victim girl was recorded, investigation was completed and charge sheet has been filed.

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

6. Considering the rival submissions on either side and considering the fact that co-accused was already granted bail and considering the fact that the statement of victim girl was recorded and investigation was completed and also considering the period of incarceration of the petitioners/accused, I am inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- each (Rupees



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Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **Fast Track [POCSO] Court, Puducherry** and on further conditions that:

[b] the petitioners shall report before the Fast Track Mahila POCSO Court, Puducherry on every working day at 10.30 A.M. until further orders.

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

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 Fast Track Mahila Court, Puducherry

2.The Station House Officer,
Muthialpet Police Station,
Puducherry.

3.The Superintendent,
Central Prison, Kalapet, Puducherry.

4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J

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