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CRL O.P. No.19713 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :20.08.2024

CORAM

The Hon`ble Mr.Justice P.DHANABAL

CRL OP.No.19713 of 2024

Vallarasu S/o. Murugan

... Petitioner

Vs

State rep. by:-

The Station House Officer,
Thavalakuppam Police Station,
Puducherry District.
[Cr. No.97 of 2024]

... Respondent

For Petitioner : Mr.V.R.Appaswamee
For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)

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

PRAYER: - The Criminal Original Petition is filed under Section 483 of the BNSS praying to grant bail to the petitioner in Crime No.97 of 2024 on the file of the respondent police.

ORDER

The petitioner/accused A1, who was arrested and remanded to



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judicial custody on 04.07.2024 for the offence punishable under Section 6 of POCSO Act, in Crime No.97 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the victim were in love relationship, out of which, the victim girl became pregnant. Therefore, the petitioner committed offence of penetrative sexual assault. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent and a false case has been foisted against him and he was remanded in the judicial custody on 04.07.2024. Hence, he seeks bail.

4. The learned Public Prosecutor (Puducherry) would submit that the petitioner was arrested and remanded to judicial custody on 04.07.2024, as the petitioner and the victim minor girl were in love relationship and out of which, the victim girl got pregnant. 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 petitioner and the victim were in love relationship and considering the fact that the 164 statement of the victim was also recorded and considering the period of incarceration of 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 **Special Court for Exclusive Trial of Cases under POCSO Act, Puducherry**, and on further conditions that:

[b] the petitioner shall report before the POCSO Court, Puducherry, on every working day, 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.

20.08.2024

index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

ssa



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To

- 1.The Special Court for Exclusive Trial
of Cases under POCSO Act, Puducherry.
- 2.The Station House Officer,
Thavalakuppam Police Station,
Puducherry District.
- 3.The Central Prison, Puducherry.
- 4.The Public Prosecutor, Puducherry.



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P.DHANABAL,J.

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