



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Cr.O.P.No.19806 of 2024

Gandhi

... Petitioner

Versus

State Rep by.
The Inspector of Police
W-16, All Women Police Station
Pulianthope, Chennai
(Crime No.10 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.10 of 2024 on the file of
the respondent.

For Petitioner : Mr.M.Soundar Vijay Arul Ram

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.06.2024 for the alleged offences punishable under Sections 9(m) read with 10 of POCSO Act in crime No.10 of 2024 on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner had sexually assaulted the minor daughter of the defacto complainant by touching her inappropriately. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that the the petitioner had sexually assaulted the minor daughter of the defacto complainant by touching her inappropriately. He further submitted that the statement of the victim girl has been recorded under Section 164 of Cr.P.C. However, he raised objection to grant bail.

5. Considering the rival submissions of the learned counsel and the fact that the statement of the victim girl has been recorded under Section 164



Cr.P.C, and also the number of days of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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, each for a like sum to the satisfaction of the court of ***Special Court for Exclusive Trial of Cases under POCSO Act, Chennai,*** and on further conditions that:

[a] the petitioner shall report before the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, on all working days at 10.30 a.m. until further orders;

[b] the petitioner shall not abscond either during investigation or trial;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] 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



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himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];
[e] if the accused thereafter absconds, a fresh FIR can be registered under Section 229A of the IPC.

22.08.2024

dhk



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To

1. The Presiding Officer
Special Court for Exclusive Trial of Cases under POCSO Act,
Chennai.

2. The Inspector of Police
W-16, All Women Police Station
Pulianthope, Chennai

3. The Central Prison, Puzhal
Chennai

4. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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