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CRL O.P.No.20011 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :22.08.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.20011 of 2024

Ragu @ Hariharan

... Petitioner/Accused

Vs

State rep. by:-

The State represented by
Inspector of Police,
All Women Police Station,
Thudiyalur,
Coimbatore District.
(Crime No.6 of 2024)

...Respondent/Complainant

For Petitioner : Mr. N. Arum Kumar
For Respondent : Mr. S. Vinoth Kumar
Government Advocate
[Criminal side]

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 petitioner/Accused in Spl.S.C.NO.120 of 2022 on the file of learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases



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under POCSO Act, Coimbatore.

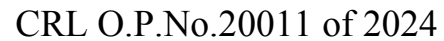
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ORDER

The petitioner/accused, who was arrested and remanded to judicial custody on 30.01.2024 for the offences punishable under Sections 9(m) read with Section 10 of POCSO Act and Sections 342, 323 of IPC on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 15.05.2022 at 08.30 p.m., while the victim girl was playing outside her house, the accused sexually assaulted the victim girl. Hence, the complaint.

3. Learned counsel for the petitioner submitted that petitioner was arrested on 16.04.2022 and released on 07.07.2022 in Crime No.06 of 2022 on the file of the respondent. Subsequently, the charge sheet was filed before the learned Sessions Judge, Principal Special Court for Exclusive Trial of cases under POCSO Act Coimbatore in Spl.S.C.No.120 of 2022 and the petitioner not appeared before the Trial Court on 11.04.2023 due to bus accident and the Non-Bailable Warrant was issued against the petitioner. Thereafter, the NBW was executed on



4. The learned Government Advocate (Crl. Side) would submit that the petitioner not appeared before the Trial Court on 11.04.2023 and the Non-Bailable Warrant was issued against the petitioner. Thereafter, the NBW was executed on 30.01.2024 and he was remanded judicial custody on the same day. He would further submit that there is no previous case pending against this petitioner. However, he opposed to grant bail to the petitioner.

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

6. Considering the rival submissions made on either side, already bail was granted and thereafter due to his non appearance NBW was issued and then executed and there is no previous case pending against



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this petitioner and also considering the period of incarceration and now the case is posted for trial, 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 **Sessions Judge, Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore**, and on further conditions that:

[b] the petitioner shall report before the Principal Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore,, on all working days until further orders.

[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



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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.

22.08.2024

jai
index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order

To

1. The Sessions Judge,
Principal Special Court for Exclusive
Trial of cases under POCSO Act,
Coimbatore,
2. Inspector of Police,
All Women Police Station,
Thudiyalur,
Coimbatore District.
3. The Central Prison, Coimbatore.



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4. The Public Prosecutor, High Court, Madras.

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P.DHANABAL,J.

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