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CRL O.P. No.20322 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20322 of 2024

Sathyamoorthy @ Moorthy,
S/o.Erullappan

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
All Women Police Station East,
Coimbatore City.
[Cr.No.17 of 2024]

... Respondent

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 Crime No.17 of 2024 on the file of the respondent police.

For Petitioner : Mr.R.Parthiban
For Respondent : Mr. S.Vinoth Kumar
Government Advocate (Crl.Side)



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4. The learned Government Advocate (Criminal Side) would submit that the accused live next door to the complainant, so the victim girl often goes out with him and stayed with his house. At that time, this petitioner misbehaved with the victim girl and touched unnecessarily and trying to abuse her sexually. The petitioner was arrested and remanded to judicial custody on 19.06.2024. In this case the victim girl was medically examined by the experts and the medical report also received. In this case investigation almost completed. However, he objected to grant bail to the petitioner.

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

6. Considering the rival submissions on either side and considering the fact that in this case investigation almost completed and the victim girl underwent for medical examination and on consideration of the said medical report and also considering the period of incarceration underwent by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:



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[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 learned **Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore on every working day at 10.30 A.M. until further orders;**

[c] the petitioner shall attend in accordance with the conditions of the bond;

[d] the petitioner shall not commit any offence similar to the offence of which he is accused; or suspected, or of the commission of which he is suspected; and

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;



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

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[g] 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].

[h] 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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P.DHANABAL,J

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To

- 1.The Sessions Judge, Principal Special Court for
Exclusive Trial of Cases under POCSO Act, Coimbatore
- 2.The Inspector of Police,
All Women Police Station East,
Coimbatore City.
3. Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.

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