



Crl.O.P.No.20719 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.20719 of 2024

Velu @ Vadivel

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
All Women Police Station,
Pennagaram,
Dharmapuri District
(Crime No.2 of 2024)

...Respondent/Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.2 of 2024 on the file of respondent police.

For Petitioner : Mr.J. Pradeep
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.06.2024 for the offence under Sections 5(l) 5(j)(ii) and 6(1) of the POCSO Act in Cime No.2 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had forceful physical contact with the victim girl under the pretext of marriage on subsequent occasions. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He also submitted that the co-accused in this case was released on bail. He further submitted that the petitioner has been in custody since 08.06.2024; that the petitioner is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) submitted that the



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petitioner/accused had forceful physical contact with the victim girl under the pretext of marriage on subsequent occasions; that the victim got pregnant and subsequently aborted; that investigation is almost complete; that the DNA samples of the petitioner and co-accused were taken and awaiting the report. However, he vehemently opposed the grant of bail to the petitioner.

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

6. Considering the representation made by both sides, the investigation was also completed and only awaiting the DNA reports from the lab, the co-accused was released on bail and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

7. 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 learned *Sessions Judge, Special Court for Exclusive Trial of Cases*



under POCSO Act, Dharmapuri, and on further conditions that:

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

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

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

[d] 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;

[e] the petitioner shall not abscond 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]; and



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[g] If the accused thereafter absconds, a fresh FIR
can be registered under Section 269 B.N.S.

12.09.2024

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To

1.The Special Court for Exclusive Trial of cases under POCSO Act,
Dharmapuri

2.The Central Prison,
Salem.

3.The Inspector of Police,
All Women Police Station,
Pennagaram,
Dharmapuri District

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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