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CRL O.P. No.20775 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.20775 of 2024

S.Hariharan,
S/o.Sakthivel

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
All Women Police Station,
Udumalpet,
Tiruppur District.
[Cr.No.29 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.29 of 2024 on the file of the respondent police.

For Petitioner : Mr.M.N.Balakrishnan
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 01.07.2024 for the offences under Sections 506(i) of IPC and 5(1)(j)(ii), 5(n), r/w.6 of POCSO Act in Crime No.29 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl's maternal uncle's son namely this petitioner promised to marry her and on the strength of promise he had physical relationship with the victim girl and another one relative Yuvaraj also had physical relationship with the victim. Hence, the complaint.

3. The learned counsel for the petitioner would contend that this petitioner is a maternal uncle's son of victim and he never promised to marry her. The other accused was arrested and subsequently released on bail. This petitioner is an innocent person and he has nothing to do with the commission of alleged offences and he is ready to abide by any condition imposed by this Court. Hence, he seeks bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) would submit that the victim girl's maternal uncle's son namely this petitioner promised to marry her and on the strength of promise he had physical relationship with the victim girl and another one relative Yuvaraj also had physical relationship with the victim. The petitioner was arrested and remanded to judicial custody on 01.07.2024. In this case investigation already 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 already completed and other co-accused was arrested and subsequently released on bail 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 **Fast Track Mahila Court, Tiruppur** and on further conditions that:

[b] the petitioner shall report before the learned Fast Track Mahila Court, Tiruppur 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;

[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.

28.08.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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P.DHANABAL,J

gvn

To

- 1.The Fast Track Mahila Court, Tiruppur
- 2.The Inspector of Police,
All Women Police Station,
Udumalpet,
Tiruppur District.
3. Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.

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