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CRL O.P. No.21163 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL.OP.No.21163 of 2024

Sivakumar,
S/o.Palanisamy

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
All Women Police Station,
Kangeyam,
Tiruppur District.
[Cr.No.18 of 2024]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.18 of 2024 on the file of the respondent police.

For Petitioner : Mr.P.Kannan Kumar
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 18.07.2024 for the offences punishable under sections 7,8,5(1) and 6, 9 of POCSO Act, 2012 and 366, 506(i), 323 of IPC in Crime No.18 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto-complainant's daughter and this petitioner have love affair at that time the petitioner took the victim girl to his house and abused her. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the victim girl stated in her statement that she loved the petitioner before October 2022, the petitioner name was not found in the FIR. With inordinate delay, the petitioner was dragged into this issue. This petitioner no way connected to the present FIR and other allegations. 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 conditions 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 defacto-complainant's daughter and this petitioner have love affair at that time the petitioner took the victim girl to his house and abused her. In this case, 164(5)Cr.P.C. Statement of the victim was already recorded from the victim girl. There is no previous case as against this petitioner. The petitioner was arrested and remanded to judicial custody on 18.07.2024. 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 the 164(5)Cr.P.C. Statement of the victim was already recorded from the victim girl and there is no previous case as against this petitioner 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:

[a] Accordingly, the petitioner is ordered to be released on bail on



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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, Mahalir Neethimandram, (FTMC), Tiruppur** and on further conditions that:

[b] the petitioner shall report before the learned Sessions Judge, Mahalir Neethimandram, (FTMC), 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;

[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., 2023.

30.08.2024

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

P.DHANABAL,J



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gvn

To

- 1.The Sessions Judge, Mahalir Neethimandram, (FTMC),
Tiruppur.
- 2.The Inspector of Police,
All Women Police Station,
Kangeyam,
Tiruppur District.
3. Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.

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