



WEB COPY



CRL O.P. No.21489 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :10.09.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.21489 of 2024

Natarajan S/o. Ramalingam

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
All Women Police Station,
Sethiyathope, Cuddalore District.
[Cr. No.9 of 2024]

... Respondent

For Petitioner : Mr.C.Prakasam
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of B.N.S.S

PRAYER: - The Criminal Original Petition is filed under Section 483 of the BNSS praying to grant bail to the petitioner in Crime No.9 of 2024 on the file of the respondent police.



CRL O.P. No.21489 of 2024

WEB COPY

ORDER

The petitioner/accused, who was arrested and remanded to judicial custody on 03.05.2024 for the offence punishable under Sections 366, 342, 506(i) of IPC and under Sections 5(k), 6 of POCSO Act, in Crime No.9 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had misbehaved with the victim girl and hence the petitioner was arrested and remanded to judicial custody on 03.05.2024. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent and a false case has been foisted against him. He is in judicial custody for more than 128 days. He would further submit that due to previous enmity, the parents of the victim girl lodged a false case against the petitioner. Hence, he seeks bail.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner was arrested and remanded to judicial custody on 03.05.2024 for misbehaving with the victim minor girl. He would further



CRL O.P. No.21489 of 2024

WEB COPY

submit that initially the petitioner was detained under proceedings under Act 14 of 1982 and later, it was set aside by this Court. Hence he opposed to grant bail to the petitioner.

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

6. Considering the representation made on either side and considering the fact that the investigation was completed and charge sheet was also filed and no previous case is pending against the petitioner and also considering the period of incarceration undergone by the petitioner, 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 ***Special Court Exclusively for Trial of Cases under***



CRL O.P. No.21489 of 2024

POCSO Act, Cuddalore, and on further conditions that:

WEB COPY

[b] the petitioner shall report ***before the Special Court Exclusively for Trial of Cases under POCSO Act, Cuddalore, on all working days until further orders.***

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

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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.

[f] 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.

[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



CRL O.P. No.21489 of 2024

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.

10.09.2024

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

To

- 1.The Special Court Exclusively for Trial of Cases under POCSO Act, Cuddalore.
- 2.The Inspector of Police,
All Women Police Station,
Sethiyathope, Cuddalore District.
- 3.The Central Jail, Cuddalore, Cuddalore District.
- 4.The Government Advocate (Crl.Side), High Court, Madras.



WEB COPY



CRL O.P. No.21489 of 2024

P.DHANABAL,J.

ssa

CRL.OP.No.21489 of 2024

10.09.2024