



WEB COPY



CRL O.P. No.22106 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.22106 of 2024

Asraul Haque S/o.Abdul Kalam

... Petitioner

Vs

State rep. by:-

Station House Officer,
Town Police Station,
Karaikal.
[Cr. No.98 of 2024]

... Respondent

For Petitioner : Mr.P.Saravanan
For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)

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.98 of 2024 on the file of the respondent police.



CRL O.P. No.22106 of 2024

WEB COPY

ORDER

The petitioner/ sole accused, who was arrested on 19.05.2024 and remanded to judicial custody on 20.05.2024 for the offence punishable under Sections 12 of POCSO Act, Section 67(B) of IT Act, 2000 and Section 506(ii) of IPC, in Crime No.98 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner seduced the victim girl and managed to take obscene contents of her and later shared it with his associates and also threatened the defacto complainant and hence the petitioner was arrested on 19.05.2024 and remanded to judicial custody on 20.05.2024. 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 80 days. He would further submit that there was a love affair between them. Hence, he seeks bail.

4. The learned Public Prosecutor (Puducherry) would submit that



CRL O.P. No.22106 of 2024

the petitioner was arrested on 19.05.2024 and remanded to judicial custody on 20.05.2024 for seducing the victim minor girl. 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 also considering the period of incarceration undergone by the petitioner from 20.05.2024, 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, Karaikal**, and on further conditions that:

[b] the petitioner shall report **before the POCSO Court, Karaikal**,



CRL O.P. No.22106 of 2024

on all working days until further orders.

WEB COPY

[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 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].



CRL O.P. No.22106 of 2024

[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, Karaikal.
- 2.The Station House Officer,
Town Police Station,
Karaikal.
- 3.The Special Sub Jail, Karaikal.
- 4.The Public Prosecutor, Puducherry.



WEB COPY



CRL O.P. No.22106 of 2024

P.DHANABAL,J.

ssa

CRL.OP.No.22106 of 2024

10.09.2024