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CrI.O.P.No.21470 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

**THE HON'BLE MR. JUSTICE P.DHANABAL**

CrI.O.P.No.21470 of 2024

Srinath

...Petitioner/Accused - A1

Vs.

State Rep. by  
The Inspector of Police,  
W-13, All Women Police Station,  
Washermenpet,  
Chennai.  
(Crime No.11/2024)

...Respondent/Complainant

**PRAYER:** Criminal Original Petition filed under Section 483 of the BNSS Act, 2023 praying to enlarge the petitioner on bail in Crime No.11 of 2024, on the file of respondent police.

For Petitioner : Mr.U.Yuvaraj

For Respondent : Mr.S.Vinoth Kumar  
Government Advocate (CrI. Side)

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CrI.O.P.No.21470 of 2024

WEB COPY

### **ORDER**

The petitioner/A1, who was arrested and remanded to judicial custody on 09.07.2024 for the alleged offences under Sections 366 and 328 of the IPC, Sections 5(1) and 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.11 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that petitioner fell in love with the victim girl and had sexual intercourse with her by giving tablets to her. It is further alleged that the petitioner abducted the victim girl and had sexual intercourse with her for a period of one month. Hence, the complaint.

3. Learned counsel for the petitioner/A1 submitted that the petitioner/A1 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 granted bail by this Court vide its order dated 20.08.2024 in CrI.O.P.No.19761 of 2024. He



Crl.O.P.No.21470 of 2024

further submitted that the petitioner has been in custody since 09.07.2024; that the petitioner is a law-abiding citizen; and that he is ready to furnish substantial sureties for his due release on bail. Hence, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) for the respondent police submitted that there are four accused in this case; that the petitioner is arrayed as A1; that the petitioner had sexual intercourse with the victim girl by giving a tablet to the victim girl through the co-accused; and that the petitioner abducted the victim girl and had sexual intercourse with her for a period of one month. He further submitted that the investigation in this case was completed and the final report was also filed. 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,



CrI.O.P.No.21470 of 2024

the completion of the investigation, that the charge sheet was also filed, that 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 ***Special Judge for Exclusive Trial of Cases under POCSO Act, Chennai***, and on further conditions that:

**[a] the petitioner shall report before the Special Court for Exclusive trial of cases under POCSO Act, Chennai, 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



CrI.O.P.No.21470 of 2024

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

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

**09.09.2024**

*dk*

To  
1.The Special Judge  
Court for Exclusive Trial of Cases under POCSO Act  
Chennai.



CrI.O.P.No.21470 of 2024

WEB COPY

- 2.The Superintendent of Prison  
Central Prison, Puzhal – II  
Chennai.
- 3.The Inspector of Police  
W-13, All Women Police Station  
Washermenpet  
Chennai.
- 4.The Public Prosecutor  
High Court of Madras.

**P.DHANABAL, J.**

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Crl.O.P.No.21470 of 2024

Crl.O.P.No.21470 of 2024

09.09.2024