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Crl.O.P.No.22469 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.22469 of 2024

S. Saravanan

...Petitioner/Sole Accused

Vs.

The State rep by
The Inspector of Police
All Women Police Station,
Dharmapuri,
Dharmapuri District
(Crime No.25 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.25 of 2024 on the file of respondent police.

For Petitioner : Mr.B. Sundarapandiyan

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

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 27.06.2024 for the offences under Sections 5(1) r/w 6 of the POCSO Act, 2012 in Crime No.25 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who was a mathematics teacher, committed sexual assault on the victim girl and thereafter promised to marry her. After some days, when the victim asked to marry her, she attacked the victim girl with hands and failed to marry her. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner 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 further submitted that the petitioner has been in custody since 27.06.2024; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police opposes the grant of bail to the petitioner by stating that



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the petitioner committed sexual assault on the victim girl under the pretext of marriage; that he also assaulted her cheeks; that the investigation was also completed; that the final report was also filed; and that the statement under Section 164 Cr.P.C., has also been recorded from the victim girl. He further submitted that there are no previous cases pending against the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions of the learned counsel on either side, that the investigation was completed, the final report was also filed, that there are no previous cases pending against the petitioner 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 learned *Exclusive Trial of cases under POCSO Act, Dharmapuri* and on further conditions that:

[a] the petitioner shall report before the Special Court for exclusive trial of Cases under POCSO Act, Dharmapuri on all working days at 10.30 a.m., until further orders, without fail;

[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 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



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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.

12.09.2024

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To

- 1.The Exclusive Trial of cases under POCSO Act,
Dharmपुरi
2. The Inspector of Police
All Women Police Station,
Dharmपुरi, Dharmपुरi District
- 3.The Sub Jail, Dharmपुरi
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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