



CRL O.P. No.21886 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :06.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21886 of 2024

Madhan

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
Banavaram Police Station,
Ranipet District.

(Crime No.151 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.151 of 2024 on the file of the respondent.

For Petitioner : Mr.M.Arunkumar

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 18.07.2024 for the offences punishable under Sections Non-Act @ 96 and 137(2) of BNS, 2023, and Sections 7 and 8 of POCSO Act, 2012, in Crime No.151 of 2024, on the file of the respondent, seeks bail.

2.It is the case of the prosecution that the defacto complainant lodged a complaint before the respondent police on 17.07.2024 that her daughter aged 14 years went missing. Thereafter, on enquiry, it was found that when the victim was returning to her home from tuition centre, the petitioner waylaid the victim, threatened her and committed sexual assault on her. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that due to previous enmity between the victim's family and the petitioner's family, a false complaint has been lodged. He would further submit that there is no previous case against the petitioner and the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) would submit that the petitioner is alleged to have committed sexual assault on the victim girl aged 14 years. He would further submit that statement under Section 164(5) Cr.P.C., of the victim was recorded and there is no previous case against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

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

6. Considering that there is love affair between the petitioner and the victim girl and also considering the statement given by the victim and that the number of days of incarceration undergone by the petitioner and that there is no previous case pending against the petitioner and all other aspects, 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 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



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of the Sessions Judge, Special Court for Exclusive Trial of Cases
under POCSO Act, Vellore, and on further conditions that;

[b] the Petitioner shall report before the POCSO Court on every working day at 10.30 a.m., until further orders.

[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;

[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.

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To

1.The Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Vellore.

2.The Inspector of Police,
Banavaram Police Station,
Ranipet District.

3.Central Jail, Vellore.

4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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