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CRL O.P. No.21968 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.21968 of 2024

Ajith,
S/o.Gopal

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
Ponnur Police Station,
Tiruvannamalai District.
[Cr.No.69 of 2022]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.69 of 2022 on the file of the respondent police.

For Petitioner : Mr.K.T.S.Sivakumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.03.2024 for the offences punishable under sections 363,366,376(2)(n), 376(3) of IPC r/w.5(L), 5(j), (ii) and 6 of POCSO Act 2012 in Crime No.69 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that this petitioner and the victim girl have love affair, this petitioner gave false promise of marriage and cheated the victim girl. The victim girl is a minor girl and she was subjected for aggravated penetrative sexual assault. Hence the case.

3. The learned counsel for the petitioner would contend that the petitioner has already granted bail. This petitioner has been falsely implicated in this case. This petitioner is an innocent person and he has nothing to do with the commission of alleged offences and he is ready to abide by any condition imposed by this Court. Hence, he seeks bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) would submit that the petitioner and the victim girl have love affair and the petitioner gave false promise of marriage. This petitioner has already granted bail and he failed to appear before the Trial Court, then the Trial Court issued Non Bailable Warrant against the petitioner and he secured from respondent police and remanded to judicial custody on 30.03.2024. Hence, he objected to grant bail to the petitioner.

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

6. Considering the rival submissions on either side and considering that the petitioner was already granted bail, due to his non appearance before the Trial Court, the trial Court issued Non Bailable Warrant to the petitioner and he secured, he is in judicial custody from 30.03.2024. In this case, already witnesses were examined and the case is posted for examination of further witnesses and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the



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petitioner, subject to the following conditions:

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[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 Judge for Exclusive Trial of Cases under POCSO Act Cases, Tiruvannamalai** and on further conditions that:

[b] the petitioner shall report before the Special Judge for Exclusive Trial of Cases under POCSO Act Cases, Tiruvannamalai on every working day at 10.30 a.m. until further orders;

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

[d] 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; and

[e] 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;



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[f] the petitioner shall not abscond either during investigation or trial;

[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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].

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

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index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

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P.DHANABAL,J

gvn

To

- 1.The Special Court for Exclusive Trial of Cases under POCSO Act,
Tiruvannamalai.
2. The Inspector of Police,
Ponnur Police Station,
Tiruvannamalai District.
3. Sub Jail, Tiruvannamalai.
4. The Public Prosecutor,
High Court Madras.

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