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CrI.O.P.No.21982 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.21982 of 2024

Jeevanandham

...Petitioner/Accused

Vs.

State rep by
The Station House Officer,
Villianur Police Station,
Puducherry.
(Crime No.243 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.243 of 2024 on the file of respondent police.

For Petitioner : Mr.A. Anandharaj
For Respondent : Mr.M.V.Ramachandramurthy
Additional Public Prosecutor
Puducherry

Assisted by
Mr.M.Thamizhmani

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 05.08.2024 for the offence under Section 6 of the Protection of Children from Sexual Offences Act, 2012 in Cime No.243 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had penetrative sexual assault with the victim girl on subsequent occasions under the pretext of marriage. 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 there is a love affair between the petitioner and the alleged victim girl; that the petitioner has been in custody since 05.08.2024; that the petitioner 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) submitted that the



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petitioner had penetrative sexual assault with the victim girl on subsequent occasions under the pretext of marriage; and that the statement under Section 164 Cr.P.C., has also been recorded from the victim girl; and that there are no previous cases pending against the petitioner. 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, there is a love affair between the petitioner and the victim and already the statement of the victim was recorded by the concerned Magistrate, 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**



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only) with two sureties, each for a like sum to the satisfaction of the learned *Fast Track Court under Exclusively POCSO Act at Puducherry*, and on further conditions that:

[a] the petitioner shall report before the learned Fast Track Court under Exclusively POCSO Act at Puducherry 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 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 Fast Track Court under Exclusively POCSO Act at Puducherry
- 2.The Central Prison, Puducherry
- 3.The Station House Officer, Villianur Police Station, Puducherry
- 4.The Public Prosecutor, High Court of Madras.

P.DHANABAL, J.

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