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CrI.O.P.No.22132 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.22132 of 2024

Ragubalan @ Ragupathy

...Petitioner/Accused

Vs.

State Rep. by
Stations House Officer,
A.W.P.S. Neyveli Police Station,
Cuddalore District.
(Crime No.15/2024)

...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.15 of 2024, on the file of respondent police.

For Petitioner : Mr.M.Sarath Kumar

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

ORDER



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The petitioner/accused, who was arrested and remanded to judicial custody on 13.06.2024 for the offences under Section 366 of the IPC and Sections 9(n), 9(m), 9(r) and 10 of the Protection of Children from Sexual Offence Act, 2012 in Crime No.15 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/accused forcibly abducted the defacto complainant's daughter/victim girl and sexually harassed 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 also submitted that the petitioner is the uncle of the victim girl; that the petitioner has been in custody since 13.06.2024. He further submitted that the petitioner is a law-abiding citizen and 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 the petitioner/accused forcibly abducted the defacto



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complainant's daughter/victim girl and sexually harassed her. He further submitted that the investigation in this case was completed and the charge sheet was also filed; 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, the completion of the investigation, that the charge sheet was also filed, the statement given by the victim, the fact that no previous case is 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



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Special Court for POCSO Case, Cuddalore, and on further conditions

that:

[a] the petitioner shall report before the Special Court for POCSO Case, Cuddalore, 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 Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];



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and

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

09.09.2024

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To

- 1.The Special Court for POCSO Case,
Cuddalore.
- 2.The Stations House Officer,
A.W.P.S. Neyveli Police Station,
Cuddalore District.
- 3.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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