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Crl.O.P.No.22246 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.22246 of 2024

Sheik Dawood

...Petitioner/Single Accused

Vs.

The State rep by
The Inspector of Police,
All Women Police Station
Tiruvarur,
Tiruvarur District
(Crime No.27 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.27 of 2024 on the file of respondent police.

For Petitioner : Mr.N. Palanivel
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 17.08.2024 for the offence under Sections 7 and 8 of the POCSO Act, 2012, in Crime No.27 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had committed penetrative sexual assault towards the victim child, who aged about seven years. 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 husband of the defacto complainant's sister. He further submitted that the petitioner has been in custody since 17.08.2024; that the petitioner is a law-abiding citizen; and that the petitioner is ready to furnish substantial sureties for his due release on bail. Hence, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) for the respondent police submitted that the petitioner had committed penetrative sexual assault towards the victim child, who aged about seven years. He also submitted that there are no previous cases pending against the petitioner; and that the statement under Section 183 of the BNSS has also been recorded from the minor victim girl. However, he strongly opposed granting bail to the petitioner.

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

6. Considering the representation made by both sides, the nature of offences charged against the petitioner, that already the statement of the victim under Section 183 of the BNSS is also recorded, 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 ***Fast Track Mahila Court, Tiruvarur***, and on further conditions that:

[a] the petitioner shall report before the Court of Sessions - Fast Track Mahila Court, Tiruvarur , 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



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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.

19.09.2024

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To

1.The Fast Track Mahila Court, Tiruvarur

2.The District Prison, Nagapattinam

3.The Inspector of Police,
All Women Police Station
Tiruvarur,
Tiruvarur District

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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