



WEB COPY



CRL O.P. No.23383 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.23383 of 2024

Annamalai,
S/o.Perumal

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
Ambalur Police Station,
Tirupathur.
[Cr.No.256 of 2024]

... 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.256 of 2024 on the file of the respondent police.

For Petitioner : Mr.R.Parthiban

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



WEB COPY



CRL O.P. No.23383 of 2024

ORDER

The petitioner/Accused, who was arrested and remanded to judicial custody on 11.08.2024 for the offences punishable under sections 78(1), 351(2) of BNS Act and Section.11(4), 12 of POCSO Act, 2012 and Section.4 of TNPHW Act in Crime No.256 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl is aged about 16 years and she is pursuing her 12th standard. When the victim girl was going to school, the petitioner waylaid the victim girl and proposed his love and misbehaved with the victim girl. On 01.08.2024 at about 5.30p.m., when the victim girl was returning back to her house, after attending the special class in her school, at that time the petitioner met the victim and compelled her to love him. The victim girl told the same to the defacto complainant about the misbehaviour of the petitioner. Hence, the complaint.



CRL O.P. No.23383 of 2024

3. The learned counsel for the petitioner would contend that this petitioner not at all connected or involved in the said offence. 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.

4. The learned Government Advocate (Criminal Side) would submit that the victim girl is aged about 16 years old, when she was going to school, the petitioner waylaid the victim girl and proposed his love and also he misbehaved with the victim girl. In this case, investigation completed and final report is not filed. There is no previous case as against the petitioner. This petitioner was arrested and remanded to judicial custody on 11.08.2024. However, the learned Government Advocate (Criminal Side) is strongly opposed to grant bail to the petitioner.

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



CRL O.P. No.23383 of 2024

6. Considering the rival submissions on either side and considering the nature of offence and the material part of investigation was already completed and there is no previous case is pending against the petitioner and also considering the period of incarceration undergone by the petitioner, 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 of the learned **Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Vellore District** and on further conditions that:

[b] the petitioner shall report before the Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Vellore District on every working day at 10.30a.m. until further orders;

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



CRL O.P. No.23383 of 2024

[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;

[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 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].



CRL O.P. No.23383 of 2024

WEB COPY

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

24.09.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
gvn



WEB COPY



CRL O.P. No.23383 of 2024

To

- 1.The Sessions Judge, Special Court for
Exclusive trial of cases under POCSO Act, Vellore District
2. The Inspector of Police,
Ambalur Police Station,
Tirupathur.
3. Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court, Madras.



WEB COPY



CRL O.P. No.23383 of 2024

P.DHANABAL,J
gvn

CRL.OP.No.23383 of 2024

24.09.2024