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CrI.O.P.No.24345 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.24345 of 2024

M. Muthukumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vellore South Law and Order Police Station,
Vellore District.
(Crime No. 323 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in connection with
SPL.SC.No.132/2023, pending on the file of the Special Court for the
Exclusive Trial of POCSO Act cases, Vellore District (Crime No.323/2023
dated 07.10.2023 on the file of the Inspector of Police, Vellore South Law
and Order Police Station, Vellore District and pass orders

For Petitioner : Mr.B. Balavijayan

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



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ORDER

The petitioner seeks bail in connection with SPL.SC.No.132/2023, pending on the file of the Special Court for the Exclusive Trial of POCSO Act cases, Vellore District, for the alleged offence punishable under Sections 363, 366 and 376 and Sections 4 and 6 of POCSO Act, 2023 in Crime No.323 of 2023, on the file of the respondent police. The petitioner was arrested and remanded to judicial custody on 13.10.2023.

2. The case of the prosecution is that the petitioner kidnapped the victim girl who is a minor and sexually assaulted her. Hence, the complainant.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He also submitted that the petitioner is in judicial custody from 13.10.2023 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner kidnapped the victim girl who is a minor and sexually assaulted her. He further submit that investigation has been completed and charge sheet has been filed and the petitioner has no previous case, pending against him . However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on either side and considering the period of incarceration undergone by the petitioner and that investigation has been completed and charge sheet has been filed and the petitioner has no previous case pending against him, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to 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)



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with two sureties, each for a like sum to the satisfaction of the Special Court for Exclusive Trial of POCSO Act cases, Vellore and on further conditions that:-

[a] the petitioner shall report before the Special Court for Exclusive Trial of cases under POCSO Act- 2012, Vellore, Vellore District on all working days at 10.30 a.m, until further orders.

[b] 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;

[c] 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;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] 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



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Kerala [(2005)AIR SCW 5560]; and

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

03.10.2024

smn

To

- 1.The Special Court for Exclusive Trial of POCSO Act cases, Vellore
- 2.The Inspector of Police,
Vellore South Law and Order Police Station,
Vellore District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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