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Crl.O.P.No.24576 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM

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

Crl.O.P.No.24576 of 2024

Prabakaran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Vaniyambadi
Thirupathur District.
(Crime No. 14 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.14 of 2024 on the file of
respondent police and pass orders.

For Petitioner : Mr.M. Sathish Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 26.08.2024 for the offences under Sections 366 and 354 of IPC R/w
Section 8 of POCSO Act in Crime No.14 of 2024 on the file of the respondent
police, seeks bail.



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2. The case of the prosecution is that the petitioner kidnapped the victim girl who is a minor and sexually assaulted her and also caused injury to her. Hence, the complaint.

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 26.08.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

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.



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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) with two sureties, each for a like sum to the satisfaction of the Special Court for Exclusive Trial of cases under POCSO Act, 2012 at Vellore and on further conditions that:-

[a] the petitioner shall report before the Special Court for Exclusive Trial of cases under POCSO Act, 2012 at Vellore for 30



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working days at 10:30 a.m and thereafter appear on all hearing dates.

[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 Kerala [(2005)AIR SCW 5560]; and

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

15.10.2024

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To

- 1.The Special Court for Exclusive Trial of cases under POCSO Act, 2012 at Vellore
- 2.The Inspector of Police,
All Women Police Station,
Vaniyambadi
Thirupathur 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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