



Crl.O.P.No.24867 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.24867 of 2024

M.Anbarasan @ Anbu
Accused

...Petitioner/ Sole

Vs.

State rep by
The Inspector of Police,
All Women Police Station,
Ranipet.
(Crime No.9 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.9 of 2024 on the file of respondent police.

For Petitioner : Mr.A.Suresh Sakthi Murugan
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)



Crl.O.P.No.24867 of 2024

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.04.2024 for the offences under Sections 376(2)(n), 506(i) of the IPC and Sections 5(l), 5(m), 5(n) and 6 of the POCSO Act, 2012, in Crime No.9 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/accused had committed penetrative sexual assault on the victim girl/defacto complainant's daughter on several occasions. 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 further submitted that the petitioner has been in custody since 18.04.2024; that the petitioner is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.



Crl.O.P.No.24867 of 2024

WEB COPY

4. Learned Government Advocate (Crl.Side) submitted that the petitioner/accused had committed penetrative sexual assault on the victim girl/defacto complainant's daughter on several occasions; that the victim girl is the daughter of the defacto complainant; and that the victim is aged about 12 years. He further submitted that the investigation was completed and the charge sheet was also filed; and that now the case is posted for framing of charges. 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, that already the investigation was completed and the charge sheet was also filed, that now the case is posted for framing of charges and also taking into consideration the petitioner has been in custody since 18.04.2024, 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 learned *Special Judge for Exclusive Trial of cases under POCSO Act, 2012, Vellore* and on further conditions that:

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



CrI.O.P.No.24867 of 2024

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

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

17.10.2024

dk

To

- 1.The Special Judge for Exclusive Trial of cases
under POCSO Act, 2012, Vellore
- 2.The Central Prison,
Vellore.
- 3.The Inspector of Police,
All Women Police Station,
Ranipet.
- 4.The Public Prosecutor,
High Court of Madras.



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CrI.O.P.No.24867 of 2024

P.DHANABAL, J.

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CrI.O.P.No.24867 of 2024

17.10.2024