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CRL O.P. No.25042 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.25042 of 2024

Venkatesan

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
All Women Police Station,
Vellore,
Vellore District.

... Respondent

[Cr. No.26 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the Petitioner on bail in Crime No. 26 of 2024 on the respondent police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
[Criminal side]



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ORDER

The Petitioner seeks bail in Crime No.26 of 2024 on the file of the respondent police for the offences punishable under Section 9(1) r.w 10 of POCSO Act, 2012. The petitioner was remanded to judicial custody on 18.09.2024.

2.The case of the prosecution is that the mother of the victim girl had preferred a complaint on 13.09.2024 alleging that the petitioner had misbehaved and molested the victim girl, when she went to the petitioner's book shop for purchasing a pencil. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that petitioner had misbehaved and molested the victim



girl, when she went to the petitioner's book shop for purchasing a pencil.

He would further submit that the statement of the victim girl under Section 183 BNSS was recorded. However, he vehemently opposed for grant of bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the representation made by both side learned counsels, the nature of allegations leveled against the petitioner and already the statement of the victim under Section 183 of BNSS was recorded and this Court also considered the statement of the victim, and taking into consideration the fact that no previous case pending against the petitioner and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to 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 Special Judge for Exclusive Trial of cases under POCSO Act, 2012, Vellore, and on further conditions that:

[b] the Petitioner shall report before the concerned POCSO Court, on every working day at 10.30 a.m., until further orders.



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[c] the Petitioner shall not commit any offences of similar nature.

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

[e] the Petitioner shall not tamper with evidence or witness 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 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].

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

14.10.2024

smv

To



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1.The Special Court for Exclusive Trial of cases under POCSO Act, 2012, Vellore.

2.The Inspector of Police,
All Women Police Station,
Vellore,
Vellore District.

3.Central Prison, Vellore.

4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
smv

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