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CRL O.P. No.26686 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.10.2024

CORAM

The Hon`ble Mr.Justice P.DHANABAL

CRL OP.No.26686 of 2024

Ezhumalai @ Bakiyaraj S/o. Segar

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
D' Nagar Police Station,
Puducherry.

[Cr. No.148 of 2024]

... Respondent

For Petitioner : Mr.D.Krishnamoorthy

For Respondent : Mr.M.V.Ramachandra Murthy
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of B.N.S.S

PRAYER: - The Criminal Original Petition is filed under Section 483 of the BNSS praying to grant bail to the petitioner in Crime No.148 of 2024 on the file of the respondent police.



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ORDER

The petitioner/accused A1, who was arrested and remanded to judicial custody on 20.07.2024 for the offence punishable under Section 6 of POCSO Act in Crime No.148 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the second husband of the victim's mother and the petitioner being the step father of victim alleged to have committed sexual assault several times on the victim and as a result of which she became pregnant and delivered a male child. Hence, the case.

3. The learned counsel for the petitioner would contend that a false complaint has been given against the petitioner and the complaint is preferred only after the birth of the child and the same has been given only to grab money from the petitioner. He would further submit that there is no previous case as against the petitioner and he is no way



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connected with the said offence. Hence, he seeks bail.

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4. The learned Additional Public Prosecutor would submit that this is the second bail application filed by the petitioner and there is no change of circumstances. He would further submit investigation has been completed and charge sheet has also been filed and the same is yet to be taken on file. Hence he opposed to grant bail to the petitioner.

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

6. Considering the representation made on either side and considering the fact that there is no previous case against the petitioner and taking into consideration the period of incarceration of the petitioner and the investigation has been completed and charge sheet has already been filed, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on



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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, Fast Tract Court [POCSO Act], Puducherry** and on further conditions that:

[b] the petitioner shall report before the trial Court on all working days at 10.30 a.m. until further orders.

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

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

[e] 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.

[f] 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.

[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action



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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].

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

25.10.2024

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

To
1.The Sessions Judge,
Fast Tract Court [POCSO Act],
Puducherry.
2.The Inspector of Police,
D' Nagar Police Station,
Puducherry.
3. The Superintendent,
Central Prison, Puducherry.
4.The Public Prosecutor, Puducherry.



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P.DHANABAL,J.

VTC

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