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Crl.O.P. No.25897 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :28.10.2024

CORAM

The Hon`ble Mr.Justice P.DHANABAL

CRL OP.No.25897 of 2024

M.Gandhiji

... Petitioner/Sole Accused

Vs

State rep. by
Inspector of Police,
W-33 Virugambakkam All Women's Police Station,
Chennai.
[Cr. No.370 of 2024]

... Respondent/Complainant

For Petitioner : Mr.M.Sangeetha

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

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.370 of 2024 on the file of the respondent police.



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ORDER

The petitioner/accused, who was arrested and remanded to judicial custody on 04.08.2024 for the offence punishable under Section 197 of B.N.S.S. @ 108 of B.N.S now altered to Section 107 of B.N.S. and Section 11 r/w 12 of the POCSO Act and Section 67(B) of the I.T. Act in Crime No. 370 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner randomly sent a obscene messages through instagram to the victim child and also threatened her to send her private part photo. On seeing those messages, the victim child committed suicide. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. The petitioner has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant bail



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to the petitioner.

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4. The learned Government Advocate (Crl.Side) would submit that petitioner randomly sent a obscene messages through instagram to the victim child and also threatened her to send her private part photo. On seeing that messages, the victim child committed suicide and he further submitted that there is no previous case pending against the petitioner. However, he opposed to grant bail to the petitioner. The learned Government Advocate (Crl.Side) would further submits that the sections of law was altered from 194 BNSS @ 108 BNS, r/w 13 of POCSO Act, 14 of Pocso Act, r/w 67(B) IT Act 2000 to 194 BNSS @ 108 BNS, r/w 12 of POCSO Act, r/w 67(B) IT Act 2000.

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

6. Considering the representation made on either side, nature of offence charged against the petitioner, considering that there is no



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previous case is pending against the petitioner and investigation is completed and also considering the period of incarceration undergone by the petitioner, 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 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, Special Court for Exclusive Trial of Cases under POCSO Act at Chennai** and on further conditions that:

[b] the petitioner shall report before the Learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act at Chennai 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



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which he is suspected.

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[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 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.

28.10.2024

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

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P.DHANABAL,J.

nsI

To

1. The Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act at Chennai.
2. The Inspector of Police,
W-33 Virugambakkam All Women's Police Station,
Chennai.
3. Central Prison, Puzhal.
4. The Government Advocate (Crl.Side), High Court, Madras.

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