



Crl.O.P.No.25785 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

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Surya

...Petitioner/Single Accused

Vs.

State of Tamil Nadu
rep. by the Inspector of Police,
AWPS, Udumalpet.
Tirupur District.
(Crime No.40 of 2024)

...Respondent/Respondent

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.40 of 2024 on the file of respondent police.

For Petitioner : Mr.T.Shunmgarajeswaran

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.09.2024 for the offences under Sections 5(l) r/w 6 of the Protection of Child from Sexual Offences Act, 2012, 67 B of the IT Act and 137(2), 351(3) of the BNS Act, in Crime No.40 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the victim girl/defacto complainant's daughter loved each other. The petitioner had a sexual intercourse with the victim and took the photographs of the victim. Hence, the complaint.

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 also submitted that the petitioner and the victim loved each other. He further submitted that the petitioner has been in custody since 06.09.2024; that the petitioner is a law-abiding citizen; that he is ready to furnish



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substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) submitted that the petitioner and the victim girl/defacto complainant's daughter loved each other; and that the petitioner had a sexual intercourse with the victim and took the photographs of the victim. He further submitted that the investigation was completed; and that there are no previous cases pending against the petitioner. However, he vehemently opposed the grant of bail to the petitioner.

5. Heard both sides and perused the statement of the victim.

6. Considering the representation made by both sides, the nature of offence, that there is a love affair between the petitioner and the victim, that already the investigation was completed, that there are no previous cases pending against the petitioner, that the statement of the victim was recorded under Section 183 of the BNSS, and also considering that



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petitioner has been in custody since 06.09.2024, 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 ***Sessions Court, Mahalir Neethimandram (FTMC), Tiruppur,*** and on further conditions that:

[a] the petitioner shall report before the Special Court for Exclusive Trial of cases under POCSO Act, Cuddalore 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;



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[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 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.

23.10.2024

dk

To

- 1.The Sessions Court, Mahalir Neethimandram (FTMC), Tiruppur,.
- 2.The Central Prison,
Coimbatore.
3. The Inspector of Police,
AWPS, Udumalpet.
Tirupur District
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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