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CrI.O.P.No.26980 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.26980 of 2024

Murugesan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kallakurichi AWPS
Kallakurichi District.
(Crime No. 20 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail, in Spl.S.C.No.223 of 2024 on the file
of Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram
in Crime No. 20 of 2023 on the file of the respondent Police.

For Petitioner : Mr.T. Ganesan

For Respondent : Mr.S.Vinothkumar
Government Advocate (CrI.Side)



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ORDER

The petitioner who is an accused in Spl.S.C.No.223 of 2024 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram in Crime No. 20 of 2023 for the alleged offence punishable under Sections 5(m) r/w 6 of POCSO Act and 9(m) r/w 10 of POCSO Act altered into 506(i) of I.P.C and 5(m) r/w 6 of POCSO Act, 2012 and 9(m) r/w 10 of POCSO seeks bail. The petitioner was arrested and remanded to judicial custody on 06.10.2023.

2. The case of the prosecution is that the petitioner has committed the offence of sexual penetration on two separate victim children. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He also submitted that the petitioner is in judicial custody from 06.10.2023 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner has no previous case pending against him and the statement under Section 164 Cr.P.C., has also been recorded from the victim girl and investigation has been completed and the case is now posted for trial. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on either side, the nature of offence, considering the period of incarceration undergone by the petitioner and investigation has been completed, statement under Section 164 Cr.P.C., has also been recorded from the victim girl, the petitioner has no previous case pending against him, the case is now posted for trial and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



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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 Court of Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram and on further conditions that:-

[a] the Petitioner shall report before the trial court on all working days at 10.30 am., until further orders.

[b] 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;

[c] 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;

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

[e] 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



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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

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

28.10.2024

smn

To

1.The Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram

2. The Inspector of Police,
Kallakurichi AWPS
Kallakurichi District.

3.The Superintendent,
District Jail, Cuddalore

4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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