



Crl.O.P.No.26235 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

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THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.26235 of 2024

Mohamad Anif

...Petitioner/Accused (Sole)

Vs.

The Inspector of Police,
AWPS, KVR Nagar Police Station,
Tirupur District.
(Crime No.18 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.18 of 2024 on the file of respondent police.

For Petitioner : Mr.R.Rajprabhu

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 11.09.2024 for the offences under Sections 9(m), 9(n) and 10 of the POCSO Act, 2012 in Crime No.18 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner sexually harassed the defacto complainant's daughter/victim girl. 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 no complaint was lodged by the mother of the victim. He further submitted that the petitioner has been in custody since 11.09.2024; that the petitioner is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) submitted that the petitioner sexually harassed the defacto complainant's daughter/victim girl. 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 materials available on record.

6. Considering the representation made by both sides, the nature of offence charged against the petitioner, that no complaint was lodged by the mother of the victim and already the trial Court also attempted to record the statement of the victim, but the victim is not in a position to give a statement due to her tender age, that already the investigation was completed, that there are no previous cases pending against the petitioner and also considering that the petitioner has been in custody since 11.09.2024, this Court is inclined to grant bail to the petitioner with 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 learned *Sessions Judge, Mahalir Neethimandram, (FTMC), Tiruppur, Tiruppur District*, and on further conditions that:

[a] the petitioner shall report before the POCSO Court, on all working days 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;

[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



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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

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To

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



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P.DHANABAL, J.

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