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Crl.O.P.No.26594 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.26594 of 2024

Dinesh Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Erode All Women Police Station,
Erode District.

(Crime No.40 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail in Crime No.40 of 2024, on the file of the respondent Police.

For Petitioner : Mr.Deepan Uday

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 07.08.2024, seeking



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bail in Crime No.40 of 2024 registered for the offence under Section 5(1) r/w 6, 11(v) r/w 12 of POCSO Act and 67 B of IT Act.

2. The case of the prosecution as per the defacto complainant/victim xxx is that the accused had shared a video content in which the victim girl was found in compromising position with A1. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given against him. He further submitted that even as per the prosecutionx, the allegation against him is only in respect of circulating the alleged video, and other than that, he has no relationship whatsoever with the victim. He further submitted that the petitioner is in custody from 07.08.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that A1 and A3 are Juveniles and they had a



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relationship with the minor victim girl and they had taken certain videos and handed over the phone to the petitioner, who in turn circulated them on the social media. He further submitted that the investigation is still pending. However, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner, 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Sessions Court, Magalir Neethimandram (Fast Track Mahila Court)**, Erode, and on further conditions that:



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[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 6.30 p.m, for a period of four weeks and thereafter on the first Saturday of every month at 10.30 a.m, until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned 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]*;

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

07.11.2024

drl



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To

1. The Sessions Court, Magalir Neethimandram
(Fast Track Mahila Court), Erode.
2. The Inspector of Police,
Erode All Women Police Station,
Erode District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

drl

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