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Crl.O.P.No.26760 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.26760 of 2024

1. Muthulakshmi

2. Nishanth

...Petitioners/Accused

Vs.

The State of Tamil Nadu
Rep. by
The Inspector of Police,
W-18, All Women Police Station,
MKB Nagar, Chennai.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioners on bail in Crime No. 14 of 2024 on the file of the respondent.

For Petitioners : Mr. G.Azhagiri

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

ORDER



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The petitioners, who were arrested and remanded to judicial custody on 04.08.2024 for the offence under Section 6 of POCSO Act 2012 read with 4(1), 5(1)(a) of Immoral Traffic (Prevention) Act 1956 in Crime No.14 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners in order to get money, indulged the victim child into prostitution on many occasions to many persons. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He further submitted that the petitioners are law-abiding citizens and they are ready to furnish substantial sureties for their due release on bail; therefore, he prays for the grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) objected for granting bail to the petitioner stating that the petitioners in order to get money, indulged the victim child into prostitution on many occasions to many persons. He would further submit that the investigation has been



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completed and already co-accused were released on anticipatory bail by this Court and no previous cases are pending against the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made on both sides, considering the nature of offences levelled against the petitioners and co-accused were released on anticipatory bail and the investigation has already been completed, there are no previous cases against the petitioners and also taking into consideration the period of incarceration undergone by the petitioners from 04.08.2024, this Court is inclined to grant bail to the petitioners with certain conditions:

[a]. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** with two sureties, each for a like sum to the satisfaction of the learned *Special Court for exclusive trial of cases under POCSO Act, Chennai*, and on further conditions that:

[b] the petitioners shall report before the POSCO Court, on all working days at 10.30 a.m., until further orders;



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[c] The petitioners shall attend in accordance with the conditions of the bond;

[d] The petitioners shall not commit any offence similar to the offence of which they are accused, or suspected, or of the commission of which they are suspected;

[e] The petitioners shall not abscond either during investigation or trial;

[f] the petitioners 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 them from disclosing such facts to the court or to any police officer or tamper with evidence;

[g] on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed



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and the petitioners 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

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

25.10.2024

vsg

To

1. Special Court for exclusive trial of cases under POCSO Act, Chennai.
2. Central Prison, Puzhal.
3. The Inspector of Police,
W-18, All Women Police Station,
MKB Nagar, Chennai.
4. The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

vsg



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