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Crl.O.P.No.27531 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

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

Crl.O.P.No.27531 of 2024

Dharmaraj

...

Petitioner

Vs.

The State Rep.by

The Inspector of Police,

Karamadai Police Station,

Coimbatore.(Crime No.466/2024)

...

Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, to enlarge the petitioner on bail in Crime No.466 of 2024 dated 19.09.2024 on the file of the respondent Police.

For Petitioner ... Mr.J.Deliban

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

ORDER

This Petition has been filed by the petitioner/Accused No.1, who was arrested and remanded to judicial custody on 19.09.2024, seeking bail in Crime No.466 of 2024 registered for the offence under Sections 11(1) r/w 12, 12 r/w 16 r/w 17 of POCSO Act, 2012.



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2.The case of the prosecution is that the petitioner along with the other accused had induced the victim minor girl to indulge in prostitution. Hence, the case.

3.Learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the respondent police and he has been falsely implicated in this case. The petitioner has been suffering incarceration from 19.09.2024 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 the victim is 15 year old minor girl and the petitioner along with the other accused have induced the minor victim girl to indulge in prostitution, hence, he opposed for granting bail to the petitioner.



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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, and the submissions made by the learned counsel on either side and also 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore** and on further conditions that:

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



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[b] the petitioner shall report before the respondent Police, everyday 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 above said Judge /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 abovesaid Judge /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.

sms

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To

1. The Principal Special Court for Exclusive Trial of Cases
under POCSO Act, Coimbatore.
2. The Superintendent, Central Prison, Coimbatore.
3. The Inspector of Police,
Karamadai Police Station,
Coimbatore.(Crime No.466/2024)
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

sms

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