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Crl.O.P. No.27801 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.11.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.27801 of 2024

1.Bose, S/o.Boominathan

2.Gandhi,
S/o.Venkatesan

..... Petitioners

Vs

State rep. by:-

The Inspector of Police,
Thanipadi Police Station,
Tiruvannamalai District.
[Cr.No.330 of 2024]

..... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya
Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in
Crime No.330 of 2024 on the file of the respondent police.

For Petitioner : Mr.J.Pradeep

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
18.08.2024 for the offences punishable under sections 108 of BNS Act and Sections



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3(a), r/w.4(2) of POCSO Act in Crime No.330 of 2024 on the file of the respondent

police, seeks bail.

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2. The case of the prosecution is that the defacto-complainant is the mother of victim girl. The victim girl is aged about 15 years. The 1st petitioner and the defacto-complainant's daughter were loved each other and they had sexual relationship and he refused to marry her. The 2nd petitioner who is the relative of the 1st petitioner, abused her with filthy language and also threatened her. Therefore, the victim girl committed suicide. Hence, the case.

3. The learned counsel for the petitioners would contend that these petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. The petitioners are in judicial custody from 18.08.2024. However, the petitioners are ready to abide by any stringent conditions may be imposed by this Court. Hence, he seeks bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the 1st petitioner and the defacto-complainant's daughter were loved each other and they had sexual relationship and he refused to marry her and 2nd petitioner abused her in filthy language and also threatened her with dire consequences. Therefore, the victim girl committed suicide. In this case, the offences committed by the petitioners are serious in nature. Hence, he opposed to grant bail to the petitioners.



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5. Heard both side counsels and perused the materials available on record.

6. Considering the rival submissions on either side, considering the nature of offences and incarceration period of these petitioners from 18.08.2024 and considering the fact that the material part of investigation was completed and no previous case is pending as against these petitioners, I am inclined to grant bail to the petitioners subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition that the petitioners shall each execute 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 **Sessions Court, Special Court for POCSO Act Cases, Tiruvannamalai** and on further conditions that:

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

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



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

[e] 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 the evidence;

[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 law as if the conditions have been imposed 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

13.11.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

P.DHANABAL,J



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- 1.The Sessions Court, Special Court for POCSO Act Cases, Tiruvannamalai
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Inspector of Police, Thanipadi Police Station, Tiruvannamalai District
4. The Central Prison, Vellore.

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