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Crl.O.P.No.27679 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.27679 of 2024

Sathish Kumar

...

Petitioner

Vs.

State represented by

The Inspector of Police,

W-34, All Women Police Station,

Ennore, Chennai.(Crime No.25/2024) ...

Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, to release the petitioner on bail for the alleged offences punishable under Sections 75 JJ Act 2015, 9(i), 9(m), 9(n) r/w 10 & 17 of POCSO Act 2012, pending investigation in the above Crime No.25 of 2024 on the file of the respondent.

For Petitioner ... Mr.P.Parthipan

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 14.09.2024, seeking bail in Crime No.25 of 2024 registered for the offence under Sections 75 JJ Act 2015, 9(i), 9(m), 9(n) r/w 10 & 17 of POCSO Act 2012.



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2.The case of the prosecution is that the victim girl is 4 years old and the accused are her stepfather and mother and they had physically and sexually abused her and had inflicted multiple injuries throughout her body. Hence the case.

3.Learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and law abiding citizen and he did not have any involvement in the alleged offence as narrated in the complaint and he has been falsely implicated in this case. The petitioner has been suffering incarceration from 14.09.2024 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 petitioner is the stepfather of the victim girl and he had physically and sexually abused the victim girl and she had burn injuries in her body and thereby she was secured.



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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 **District Mahila Judge (Fast Track Court) at Tiruvallur** 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 stay at Cuddalore and report before the Inspector of Police, Old Town Police Station, Cuddalore, everyday at 10.30 a.m. for a period of four weeks and thereafter, report before the respondent police everyday at 10.30a.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]*;



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

sms

05.11.2024

To

1. The District Mahila Judge (Fast Track Court)
Tiruvallur.
- 2.The Central Prison, Puzhal, Chennai.
- 3.The Inspector of Police, Old Town Police Station,
Cuddalore.
- 4.The Inspector of Police,
W-34, All Women Police Station,
Ennore, Chennai.(Crime No.25/2024)
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

sms

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