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Crl.O.P.No.28068 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM

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

Crl.O.P.No.28068 of 2024

Marimuthu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thirukkanur Police Station,
Pondicherry.

(Crime No.116 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail in Crime No.116 of 2024 on the file of the respondent police.

For Petitioner : Mr.A.Anandharaj

For Respondent : Mr.K.S.Mohandass
Public Prosecutor, Puducherry
Assisted by Mrs.Danalachumy

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 24.09.2024, seeking bail in Crime No.116 of 2024 registered for the offence under Sections



137(i)(b) of BNS, 2023 and Section 6 of POCSO Act.

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2. The case of the prosecution is that the petitioner kidnapped the minor victim girl and committed penetrative sexual assault on her. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the petitioner and the minor victim girl are known to each other and the mother of the victim girl, suspected that the petitioner was having an affair with her daughter, has given a false complaint against the petitioner. He further submitted that the petitioner understands that the major part of investigation is completed and the statement of the victim girl under Section 183(5) of BNSS, has been recorded, wherein the victim girl has not made any allegations against the petitioner. He further submitted that the petitioner has been in custody from 24.09.2024 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 Public Prosecutor, Puducherry appearing for the



respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioner had kidnapped the minor victim girl and committed penetrative sexual assault on her. He further submitted that the statement of the victim girl under Section 183(5) of BNSS has been recorded and that no previous case is pending against the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor, Puducherry for the respondent Police and perused the materials available on record including the statement recorded under Section 183(5) of BNSS, from the victim girl.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering 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 Fast Track Court (exclusively to deal with offences under the POCSO Act)



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Judge, Puducherry, and on further conditions that:

[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 stay at Karaikal and report before the Karaikal Town Police Station everyday at 10.30 a.m., until further orders. It is made clear that the petitioner shall not enter into the jurisdiction of the respondent police until further orders.

[c] the petitioner shall not abscond during trial and shall co-operate for speedy disposal of the trial;

[d] the petitioner shall not tamper with evidence or witness during 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.

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1. The Fast Track Court (Exclusively to deal with offences under the POCSO Act), Puducherry.
2. The Inspector of Police,
Thirukkanur Police Station,
Pondicherry.
3. Central Prison, Puducherry.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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