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Crl.O.P.No.28194 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

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

Crl.O.P.No.28194 of 2024

Ganesan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Gudiyatham, Vellore District.

(Crime No.23 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act,
pleaded to enlarge the petitioner on bail in Crime No.23 of 2024 on the file of
the respondent police.

For Petitioner : Mr.E.Kannadasan

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

ORDER

This Criminal Original Petition has been filed by the petitioner,
who was arrested and remanded to judicial custody on 12.07.2024, seeking
bail in Crime No.23 of 2024 registered for the offence under Sections 354(A),
376(3), 506(i) of IPC and Section 5(1) and 6 of POCSO Act, 2012.



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2. The case of the prosecution is that the petitioner, who is the stepfather of the minor victim girl, misbehaved with her. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and a false complaint has been given by the grandfather of the victim girl. He further submitted that the defacto complainant was against the second marriage between the petitioner with the mother of the victim and a false complaint has been given and that it is not a case of sexual assault. He further submitted that the petitioner has been in custody from 12.07.2024 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, while opposing for grant of bail to the petitioner, submitted that the petitioner misbehaved and wrongly touched the victim when she was sleeping. He further submitted that the statement under Section 183(5) of BNSS of the victim girl was recorded.

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 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 Special Judge for Exclusive Trial of Cases under POCSO Act, 2012, Vellore, Vellore District, 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 report before the respondent police everyday at 10.30 a.m., until further orders.

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



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[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.

12.11.2024

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To

1. The Special Judge for Exclusive Trial of Cases under POCSO Act, 2012, Vellore, Vellore District.
- 2.The Inspector of Police,
All Women Police Station,
Gudiyatham, Vellore District.
- 3.Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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