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Crl.O.P.No.28207 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.28207 of 2024

Murugan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Panruti Taluk,
Cuddalore District.

(Crime No.25 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail in Crime No.25 of 2024 on the file of the respondent police.

For Petitioner : Mr.T.Gnana Banu

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 23.09.2024 seeking bail in Crime No.25 of 2024 registered for the offence under Section 294(b) of BNS and Section 9(n), 9(L) and 10 of POCSO Act.



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2. The case of the prosecution is that the petitioner, who is the father of the minor victim girl had 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 based on the instigation of the wife of the petitioner. He further submitted that admittedly, there has been a matrimonial dispute between the petitioner and his wife. He further submitted that the major part of investigation is over and the petitioner also understands that the statement of the victim under Section 183(5) of BNSS has been recorded and the victim has not supported the case of the prosecution. He further submitted that the petitioner has been in custody from 23.09.2024 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, while opposing for grant of bail to the petitioner, submitted that the petitioner has misbehaved with his daughter and based on the complaint given by the Child Welfare Officer, the case has been registered, but however, the victim has not supported the case of the prosecution. He further submitted that the statement under Section 183(5) of



BNSS of the victim girl was recorded. He also submitted that investigation was completed and a draft charge sheet has been filed before the Special Judge (POCSO), Cuddalore.

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.

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 Court for Exclusive Trial Cases under POCSO Act, Cuddalore, 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



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Bank pass Book to ensure their identity;

[b] the petitioner shall report before the appear before the Special Court for Exclusive Trial Cases under POCSO Act, Cuddalore, daily at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the learned Trial Judge.

[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.

12.11.2024

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To

1. The Special Court for Exclusive Trial Cases under POCSO Act, Cuddalore.



2.The Inspector of Police,
All Women Police Station,
Panruti Taluk,
Cuddalore District.

3.Central Prison, Cuddalore.

4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.

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