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Crl.O.P.No.28514 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

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

Crl.O.P.No.28514 of 2024

Madhan Kumar

... Petitioner

Vs.

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

(Crime No.14 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act,
pleaded to enlarge the petitioner on bail in Crime No.14 of 2024 on the file of
the respondent police.

For Petitioner : Mr.R.Radhapandian

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 28.05.2024, seeking
bail in Crime No.14 of 2024 registered for the offence under Sections 7 and 8
of POCSO Act, 2012.



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2. The case of the prosecution is that the petitioner had inappropriately touched two minor victim girls aged 7 and 11 and thereby committed the offence under Sections 7 and 8 of the POCSO Act, 2012. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and a false complaint has been given against him. He further submitted that even as per the prosecution, the petitioner is said to have inappropriately touched the two minor victim girls. He further submitted that investigation in this case has been completed and charge sheet has also been filed before the Court. He further submitted that the petitioner is ready to abide by any stringent condition 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 had inappropriately touched two minor victim girls aged 7 and 11. He further submitted that investigation has been completed and e-filing of charge sheet has been done before the Sessions,



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Magalir Neethi Mandram (Fast Track Court), Erode.

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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, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner and that investigation has been completed, 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 **Sessions, Magalir Neethi Mandram (Fast Track Court) Erode**, 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 Sessions, Magalir Neethi Mandram (Fast Track



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Court) Erode, on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the Trial Judge. It is made clear that the petitioner shall not enter into the limits of Periyavalusu, Veerapanchathiram, Erode, 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.

14.11.2024

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To



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1. The Sessions, Magalir Neethi Mandram (Fast Track Court) Erode.

2. The Inspector of Police,
Erode All Women Police Station,
Erode District.

3. District Prison, Gobichettipalayam.

4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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