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Crl.O.P. No. 28806 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

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

Crl.O.P.No.28806 of 2024

Arun @ Lattu

... Petitioner

Vs.

State rep. by
The Station House Officer,
Neyveli Township,
Cuddalore District.
(Crime No. 288 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS to
enlarge the petitioner on bail pending investigation in Crime No.288 of 2024
on the file of the respondent Police.

For Petitioner : Mr.J. Pradeep

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

ORDER

This Criminal Original Petition has been filed by the petitioner,



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who was arrested and remanded to judicial custody on 13.10.2024 , seeking bail in Crime No.288 of 2024 registered for the offences punishable under Section 87 of BNS and Section 7 & 8 of POCSO Act.

2.The case of the prosecution is that the petitioner induced 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 an innocent person aged about 20 years and there was a love affair between the victim girl and the petitioner. The petitioner without understanding the consequences had involved in the above offence. He further submitted that in the statement recorded from the victim girl, she stated that she had gone along with the petitioner. Hence, he prayed for grant of bail to the petitioner stating that the petitioner is ready to cooperate with the respondent for further investigation in this case.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police while opposing for grant of bail to the petitioner submitted



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that the petitioner induced the minor victim girl and committed penetrative sexual assault on her. He further submitted that the petitioner has got three previous cases, however, they are under the IPC.

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 of the victim girl recorded under Section 164 of the Cr.P.C.

6.Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the Special Court for exclusive trial of cases under POCSO Act, Cuddalore. Out of the two sureties one should be either the Mother or Father of the petitioner. The



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release is also subject to the following conditions:

[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 Chennai and report before the Inspector of Police, Flower Bazaar Police Station every day at 10.30 am, 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 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

19.11.2024

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To

1. The Special Court for exclusive trial
of cases under POCSO Act,
Cuddalore.
2. The Station House Officer,
Neyveli Township,
Cuddalore District.
3. The Superintendent,
Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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