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*CrI.O.P.No.29016 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM

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

CrI.O.P.No.29016 of 2024

Jayakumar

... Petitioner

Vs.

State by  
The Inspector of Police  
Virudhachalam Police Station  
Cuddalore  
(Cr.No.512 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS to enlarge the petitioner on bail pending investigation in Cr.No.512/2024, on the file of the Virudhachalam Police Station, Cuddalore.

For Petitioner : Mr.D.Ashokkumar

For Respondent : Mr.Leonard Arul Joseph Selvam  
Government Advocate (CrI.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 30.09.2024 , seeking bail in Crime No.512 of 2024 registered for the offences punishable under Sections 96, 127(2) of BNS Sections 5(1), 6 of POCSO Act and Sections 9 & 10 of Child Marriage Act.

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

3.Learned Counsel appearing for the petitioner submitted that the petitioner and the victim girl knew each other, since it was objected by the family members, the victim girl left her house and the petitioner without understanding the consequences eloped with her. Later coming to know about the registration of case, the petitioner surrendered before the respondent police. Hence, he prayed for grant of bail to the petitioner stating that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

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 due to love affair the petitioner and the victim girl eloped to Bangalore and she was later secured and a statement under Section 164 of Cr.P.C., also recorded from her.

5.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (CrI. Side) for the respondent Police and perused the materials available on record, including the statement of the victim girl recorded under Section 164 of Cr.P.C.

6.Taking into consideration the facts and the submissions made by the learned counsel appearing for the parties, 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 and on further conditions that:



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[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 appear 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 of B.N.S.

20.11.2024

*sai*



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To

1.The Special Court for exclusive trial of Cases  
under POCSO Act, Cuddalore

2.The Superintendent  
Sub Jail, Panruti.

3.The Inspector of Police  
Virudhachalam Police Station  
Cuddalore.

4.The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA.,J.**  
*sai*

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