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Crl.O.P.No.29113 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

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

Crl.O.P.No.29113 of 2024

Deenadhayalan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kavundapadi Police Station,
Erode District.
(Crime No.287 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail in Crime No.287 of 2024 on the file of the respondent police.

For Petitioner : Mr.R.Radha Pandian

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

O R D E R

This Criminal Original Petition has been filed by the petitioner,
who was arrested and remanded to judicial custody on 03.10.2024,



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seeking bail in Crime No.287 of 2024 registered for the offence under Sections 5(1) and 6 of POCSO Act, 2012.

2. The case of the prosecution is that the petitioner had abducted the minor victim girl, who is aged about 17 years, and had taken her to various places and committed penetrative sexual assault on her. Hence, the case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and that a false complaint has been foisted against him. He would further submit that the victim and the petitioner known to each other and since it was objected by her parents, she had stayed with the petitioner. He would also submit that other than travelling along with the victim girl, he had not committed any offence and that the petitioner understands that in the statement recorded under Section 183 of BNSS, the victim has not made any allegation of sexual assault against the petitioner and he is custody from 03.10.2024. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for the grant of bail to the petitioner, would submit that the petitioner had abducted the minor victim girl and had taken her to various places and had committed penetrative sexual assault on her.

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 from the victim u/s 183 of BNSS.

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, including the statement recorded under Section 183 of BNSS, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail



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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 **Magalir Neethi Mandram (Fast Track Mahila Court), Erode 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 Erode Town Police Station daily at 10.30a.m., for a period of two weeks and thereafter, every Saturday at 10.30a.m., 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



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***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 of B.N.S.

21.11.2024

raa

To

- 1.The Magalir Neethimandram (Fast Track Mahila Court),
Erode District
- 2.The Inspector of Police,
Kavundapadi Police Station,
Erode District.
- 3.The Superintendent,
District Prison, Gobichettipalayam
- 4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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