



Crl.O.P.No.27933 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.27933 of 2023

Mansur Ali

... Petitioner

Vs.

The State represented by
The Station House Officer,
Villianur Police Station,
Puducherry District.
Crime No.237 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.237 of 2023 on the file
of the respondent Police.

For Petitioner : Mr.M.P.Yuvaraj

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 19.10.2023 for the offences registered under Sections 363 of IPC and 6 of



Crl.O.P.No.27933 of 2023

POCSO Act, 2012, in Crime No.237 of 2023 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner and yet another accused had taken away the victim child and later, she was traced.

3.The learned Government Advocate (crl.side) stated that the statement under Section 164 Cr.P.C have been recorded from the victim child. The other accused had now been arrayed as witness by the prosecution. The investigation has been completed and charge sheet has also been filed on 12.12.2023.

4.Taking that factor into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

5.Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the Fast Track Court Exclusive to deal with offences under the POCSO Act, Puducherry, 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



Crl.O.P.No.27933 of 2023

Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner shall report before the Fast Track Court Exclusive to deal with offences under the POCSO Act, Puducherry everyday, till framing of charges and thereafter, during the Court hearing dates.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

09.01.2024

vkr

To

1.The Fast Track Court Exclusive to deal with offences under the POCSO Act, Puducherry.

2.The Central Prison, Puducherry.



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Crl.O.P.No.27933 of 2023

C.V.KARTHIKEYAN,J.

Vkr

3.The Station House Officer,
Villianur Police Station,
Puducherry District.

4. The Public Prosecutor, High Court of Madras.

Crl.O.P.No.27933 of 2023

09.01.2024