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Crl.O.P.No.27857 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.27857 of 2023

Prabu Deva

... Petitioner

Vs.

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

Crime No.12 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.12 of 2023 on the file of
the respondent Police.

For Petitioner : Mr.N.Palanivel

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

ORDER

The petitioner/A1, who was arrested and remanded to judicial
custody on 13.11.2023, for the offences under Sections 342, 509 of IPC and



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Sections 9(g), 10, 7, 8 of POCSO Act, 2012, in Crime No.12 of 2023 on the file of the respondent Police, seeks bail.

2. There are three other accused who are the juveniles and they have been granted bail. The case of the prosecution is that on 13.11.2023, the victim child had stated that when she went to her uncle's house on 12.11.2023, four persons were sitting near Devamangalam Vennatturu River and one of them came and picked her cycle and threatened her and caught her and pushed her on the other persons.

3. It is stated that the investigation has been completed and charge sheet has also been filed.

4. Taking this 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 learned Additional Mahila Sessions Judge, Fast Track Mahila Court, Tiruvarur, 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 report before the learned Additional Mahila Sessions Judge, Fast Track Mahila Court, Tiruvarur, 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

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To

1.The Additional Mahila Sessions Judge,
Fast Track Mahila Court, Tiruvarur.

2.The District Prison I, Nagapattinam.



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3.The Inspector of Police,
All Women Police Station,
Nannilam, Tiruvarur District.

4. The Public Prosecutor, High Court of Madras.

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