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Crl.O.P.No.29727 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM

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

Crl.O.P.No.29727 of 2024

Rajasekar

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Vridhachalam All Women Police Station,
Cuddalore District.
(Crime No.12 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.12 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.N.U.Pressanna

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

ORDER

Petition seeking bail in respect of Crime No.12 of 2024 registered for the offences punishable under Sections 366 and 344 of IPC read with Section 5(n), 5(j)(ii) and 6 of POCSO Act is on board for consideration.

2. The incarceration of the petitioner being from 17.10.2024 pleading



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innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that, petitioner is related to the victim girl as maternal uncle and there was a love affair between them, since their parents objected the love, without understanding the consequences, they eloped and got married. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner abducted the minor victim girl, who is his niece and married her and also committed penetrative sexual assault, due to which, she became pregnant and delivered a child. He further submit that, major part of the investigation is over.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and taking note of the nature of allegation, this court is inclined to grant bail to the petitioner with certain conditions and accordingly,



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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 learned **Special Court(POCSO Act), Cuddalore**, 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 respondent police everyday at 10.30.a.m., for a period of two weeks and thereafter on every Saturday at 10.30.a.m., 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 absconds, a fresh FIR



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can be registered under Section 269 of B.N.S.

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To

1. Special Court(POCSO Act), Cuddalore,
2. The Station House Officer,
Vridhachalam All Women Police Station,
Cuddalore District.
3. The Central Prison,
Cuddalore
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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