



CrI.O.P.No.28339 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

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

CrI.O.P.No.28339 of 2023

Christian

...Petitioner

Vs.

State rep by
The Sub-Inspector of Police,
Ariyankuppam Police Station,
Puducherry.
(Crime No. 161 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.161 of 2023 on the file of the respondent Police.

For Petitioner : Ms.S. Radhika

For Respondent : Mr.K.S.Mohandoss
Public Prosecutor(Puducherry)



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ORDER

The petitioner in Crime No.161 of 2023, registered by the respondent police for the offences punishable under Sections 294(b), 506(ii) of IPC and Sections 10, 17 of POCSO Act, 2012, r/w Section 34 of IPC. The petitioner had been remanded to judicial custody on 04.10.2023.

2.A2 is the mother of the victim child. The petitioner is aged 42 years and the victim child was a minor.

3.It is stated that with the abetment of the mother, the petitioner herein had sexually assaulted the victim child. The statement under Section 164(5) Cr.P.C., of the victim child had been recorded wherein the victim child had spoken and reiterated the same facts. The grandmother of the victim child is the defacto complainant.



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4. Earlier application was dismissed on 01.12.2023 in Crl.O.P.No.27439 of 2023. Subsequently charge sheet had been filed in S.C.No.253 of 2023 before the Fast Track Court Puducherry. It is stated that investigation has been completed and charge sheet has also been filed and further P.W1 and 2 had been examined and cross examined.

5.Taking all factors into consideration and also the fact that the petitioner should be given an opportunity to defend during the trial process I am inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two fresh sureties, each for a like sum to the satisfaction of the **learned Fast Track Court Puducherry** and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of



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his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the Fast Track Court Puducherry where 253 of 2023 is pending on everyday at 10.30 a.m., till completion of trial, apart from 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.

13.02.2024

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To

1. The **Fast Track Court Puducherry**
2. The Central Prison, Puducherry.
3. The Sub-Inspector of Police,
Ariyankuppam Police Station,
Puducherry.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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