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CrI.O.P.No.28344 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM

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

CrI.O.P.No.28344 of 2023

Sagadevan
S/o.Thangavel

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
All Women Police Station,
Harur,
Dharmapuri District.
Crime No.10 of 2023.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Spl.S.C.No.305 of 2023 on the file
of the learned Sessions Judge, Special Court for Exclusive Trial of Cases
under POCSO Act, Dharmapuri in Crime No.10 of 2023 on the file of the
respondent.

For Petitioner : Mr.M.P. Saravanan

For Respondent : Mr.L. Baskaran,
Govt. Advocate (Criminal Side)



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ORDER

The petitioner / accused in Spl.S.C.No.305 of 2023 now pending trial before the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri, seeks bail.

2.Originally, the petitioner was arrested and remanded to judicial custody on 07.07.2023 for the offences punishable under Sections 363, 366 of IPC and Sections 5(1), 6(1) of POCSO Act, 2012 and Section 9 of Prevention of Child Marriage Act, 2006 in Crime No.10 of 2023 on the file of the respondent police.

3.The statement of the victim child had been recorded under Section 164(5) of Cr.P.C. A copy of the same had been forwarded for perusal of this Court.

4.Taking into consideration the said statement and also the period of incarceration suffered by the petitioner and the fact that investigation has



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been completed and the matter is now pending trial before the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on executing 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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri, 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 appear before the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri, on every Monday at 10.30 a.m., quite apart from the Court hearing dates, till completion of trial..

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or



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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.

03.01.2024

smv

To

1. The Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri,
- 2.The Inspector of Police,
All Women Police Station,
Harur,
Dharmapuri District.
3. The Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

smv

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