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CrI.O.P.No.30688 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.30688 of 2024

S.Murugesan

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur District.
Crime No.296 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
pleased to enlarge the petitioner on bail pending in Crime No.296 of 2024
pending on the file of the respondent police.

For Petitioner : Mr.K.Gopinath

For Respondent : Mr.S.Balaji
Government Advocate (CrI.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 09.08.2024, for the alleged offences under Sections 5(n) r/w 6 of POCSO



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Act and 351(3) of BNS Act, in Crime No.296 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner who is the step father of the victim girl has committed penetrative sexual assault on the victim girl. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the second bail application filed by the petitioner. He further submits that the petitioner is an innocent person and due to the dispute between the family and misunderstanding of matrimonial dispute, a false case has been foisted against the petitioner. He further submitted that as far as this petitioner is concerned, he does not have any previous case. He also submitted that the petitioner is in custody from 09.08.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner who is the step father of the



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minor victim girls has committed penetrative sexual assault on the victim girls. He further submits that no previous case, pending against him, and that investigation was completed and the charge sheet was also filed and now the case is posted for furnishing copies to the accused. However, he vehemently opposed for the grant of bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the representation made by both side counsel, investigation was completed and the charge sheet was also filed and now the case is posted for furnishing copies to the accused, no previous case pending against him. and considering the period of incarceration undergone by the petitioner, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. 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 sureties, each for a like sum to the satisfaction of the Mahalir



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Neethimandram (FTMC), at Tiruppur, and on further conditions that:-

[a] the petitioner shall report before the concerned POCSO Court, Tiruppur, on all working days at 10.30 a.m., until further orders.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Judicial 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]; and



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

10.12.2024

drl

To

- 1.The Mahalir Neethimandram (FTMC),
Tiruppur.
- 2.The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur District.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.



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P.DHANABAL, J.

drl

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