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Crl.O.P.No.30411 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM

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

Crl.O.P.No.30411 of 2024

Suresh

... Petitioner

Vs.

State, Represented by
The Inspector of Police
Thirupattur Taluk Police Station
Tirupattur.
(Crime No.695 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in connection with case in Crime No.695 of 2024, pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Arun

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

ORDER

Petition seeking bail in respect of Crime No.695 of 2024 registered for the offences punishable under Section 5(1) & 6 of POCSO Act is on board for consideration.



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2.The incarceration of the petitioner being from 08.11.2024 pleading 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 the petitioner and the victim girl were having love affair, objecting the same, the parents of the victim girl compelled her to give a false complaint against the petitioner. He also submits that even in the statement recorded from the victim girl under Section 183(5) of BNSS, she had not made any allegation of sexual assault against the petitioner. He also submits that the petitioner is no way connected with the alleged offences and he is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner, aged about 20 years and the victim girl, aged about 16 years were loving each other, during May 2024, the petitioner committed penetrative sexual assault on her, resulting in the victim girl becoming pregnant, later the pregnancy was aborted. He further submits that when the de facto complainant confronted the petitioner, he denied responsibility for the pregnancy, which led the victim to consume pesticide. He further submits that a statement under Section 183(5) of BNSS also recorded



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from the victim girl.

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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 including the statement of the victim girl recorded under Section 183(5) of BNSS and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, 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 Court of Sessions Division of Tirupattur District, 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 stay at Villupuram and report before the Inspector of Police, Villupuram Town Police Station, everyday at 06.30 p.m., until further orders;

[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 269 of B.N.S.

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To

- 1.The Sessions Court,
Tirupattur District.
- 2.The Inspector of Police
Thirupattur Taluk Police Station
Tirupattur.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.
- 5.The Inspector of Police,
Villupuram Town Police Station,
Villupuram.



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A.D.JAGADISH CHANDIRA., J.

sai

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