



CRL.O.P.No.30433 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM:

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

CRL.O.P.No.30433 of 2024

Veerappan

... Petitioner

Versus

State Rep. By  
The Station House Officer,  
Thirukkanur Police Station,  
Puducherry.  
(Crime No.115/2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to  
enlarge the petitioner/Accused-2 on bail in Crime No.115 of 2024  
pending investigation before the respondent Police.

For Petitioner : Mr.A.Anandharaj

For Respondent : Mr.M.V.Ramachandra Murthy  
Additional Public Prosecutor



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ORDER

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Petition seeking bail in respect of Crime No.115 of 2024 registered for the offences punishable under Section 351(3) of BNS and Sections 6 & 8 of Protection of Children from Sexual Offences Act, 2012 @ Section 351(3) of BNS and Sections 4 & 8 of Protection of Children from Sexual Offences Act, 2012, is on board for consideration.

2.The incarceration of the petitioner being from 13.09.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He also submits that the complaint had been given by the Aunt of the victim girl stating that the petitioner had kissed the victim girl aged about 13 years, however, in the statement recorded from the victim girl under Section 183 of BNSS, the victim girl had not made any allegations against the petitioner. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.



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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 there are two accused in this case, in which, A1 had committed the penetrative sexual assault on the victim girl by threatening her and the petitioner who is the 2<sup>nd</sup> accused had hugged and kissed the victim girl on her cheeks.

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 of BNSS, this Court is inclined to grant bail to the petitioner with certain conditions and accordingly, he 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 Fast Track Court exclusively to deal with offences under the POCSO Act at Puducherry and on further conditions that:



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[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 Karaikal and report before the Inspector of Police, Karaikal Town Police Station, Karaikal everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not enter into the jurisdiction of the respondent Police until further orders;

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]***;



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

12.12.2024

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To

- 1.The Fast Track Court exclusively to deal with offences  
under the POCSO Act at Puducherry.
- 2.The Station House Officer,  
Thirukkanur Police Station,  
Puducherry.
- 3.The Inspector of Police,  
Karaikal Town Police Station,  
Karaikal.
- 4.The Superintendent,  
Central Prison, Puducherry.
- 5.The Public Prosecutor,  
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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