



Crl.O.P.No.29301 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

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

Crl.O.P.No.29301 of 2023

Jaya @ Ilanchezhian
S/o.Bakkiyaraj

... Petitioner/Accused

Vs.

State represented by
The Station House Officer,
Nettapakkam Police Station,
Puducherry.
(Crime No.156 of 2023)

... Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.156 of 2023 on the file
of the respondent.

For Petitioner : Mr.A.Anandharaj

For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Criminal Side)

ORDER



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The petitioner who was arrested and remanded to judicial custody on 14.10.2023 for the offences punishable under Section 6 of POCSO Act, 2012 in Crime No.156 of 2023 on the file of the respondent police.

2.It is the case of the prosecution that on 13.10.2023, the respondent had received a complaint from the victim child that the petitioner had committed aggravated sexual intercourse by giving false promise to marry her.

3. Now, the investigation has been completed and it is informed by the learned Public Prosecutor, Puducherry, that charge sheet has been filed before the Fast Track Court Exclusively to deal with the offences under the POSCO Act, Puducherry, but the same had not been taken cognizance. But however, since investigation has been completed, taking into consideration the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

4.Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Fast Track Court Exclusively to deal with offences under the POCSO Act, 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] Initially the petitioner shall appear before the respondent police everyday at 10.30 a.m., till the charge sheet is taken cognizance and after it is taken cognizance, the petitioner shall appear before the trial Court on every Monday at 10.30 a.m., till the charges are framed and after charges are framed, during the Court hearing dates till completion of the trial.

[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].

C.V.KARTHIKEYAN,J.



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

24.01.2024

smv

To

- 1.The Fast Track Court Exclusively to deal with offences under the POCSO Act, Puducherry.
- 2.The Station House Officer,
Nettapakkam Police Station,
Puducherry.
- 3.The Puducherry Prison.
4. The Public Prosecutor,
High Court of Madras.

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