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CrI.O.P.No.30357 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

CORAM

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

CrI.O.P.No. 30537 of 2024

Vishwa @ Pavithran

... Petitioner

Vs.

The State rep. by
The Station House Officer,
Odiansalai Police Station,
Puducherry. (Crime No.201 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 Crime No. 201 of 2024 dated 22.10.2024 on the file of the Station House Officer, Odiansalai Police Station, Puducherry.

For Petitioner : Mr.B. Balavijayan

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

ORDER

Petition seeking bail in respect of Crime No. 201 of 2024 registered for the offences punishable under Section 12 of POCSO Act is on board for



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consideration.

2.The incarceration of the petitioner being from 25.10.2024 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 is aged about 21 years and the petitioner, the victim and the petitioner are known to each other for a long time, and their relationship was opposed by the victim's mother, despite this, the victim girl visited the petitioner's home and without understanding the consequences, they engaged in physical relations, resulting in the victim girl becoming pregnant. He also submits that the petitioner 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 Public Prosecutor (Puducherry) appearing for the respondent police, opposing for grant of bail, is that the petitioner had been stalking the elder daughter of the de facto complainant, aged about 16 years and committed penetrative sexual assault on her, resulting in the victim girl becoming pregnant, later the pregnancy was aborted. He further submits that foetus has been sent for a DNA Test. He further submits that a statement under Section 183(5) of BNSS also recorded from the victim girl.



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4. Having heard the learned counsel for the petitioner and the learned Public Prosecutor (Puducherry) 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, 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 Special Court for Exclusive trial of POCSO Act cases, Puducherry. 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 Karaikal and report before the Inspector of Police, Karaikal Town Police Station, everyday at 06.30 p.m., until further orders. It is made clear that the petitioner shall not enter the jurisdictional limits of the respondent police 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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A.D.JAGADISH CHANDIRA., J.
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To

1. The Special Court for Exclusive trial
of POCSO Act cases, Puducherry.
2. The Station House Officer,
Odiansalai 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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