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Crl.O.P.No.30696 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM

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

Crl.O.P.No.30696 of 2024

Seenu @ Srinivasan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Gudiyatham -AWPS Police Station,
Vellore District.
(Crime No.33 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.33 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.D.Thirumoorhty

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

ORDER

Petition seeking bail in respect of Crime No.33 of 2024 registered for the offences punishable under Sections 137(2), 87, 64(1) of BNS, 2023 and under Section 4 of the POCSO Act is on board for consideration.



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2. The incarceration of the petitioner being from 21.10.2024 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 further submits that the petitioner and the victim girl are known to each other for the past five years and without understanding the consequences, petitioner had involved in physical relationship with the victim girl. He further 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 Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner, who is already a married man, had induced the defacto complainant's minor daughter and committed penetrative sexual assault on her. He would further submit that the major part of the investigation is over.

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, and taking note of the nature of allegation, this court is inclined to grant bail to the petitioner with certain conditions and



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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 learned **Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Vellore**, 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 Vellore and report before Inspector of Police, All Women Police Station, Vellore. It is made clear that, the petitioner shall not enter into the jurisdictional limit of the respondent police Station till the examination of the victim.

[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



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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. Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Vellore
2. The Inspector of Police,
Gudiyatham -AWPS Police Station,
Vellore District.
3. The Superintendent,
Central Jail, Vellore.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
All Women Police Station,
Vellore.



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A.D.JAGADISH CHANDIRA.,J.

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