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CrI.O.P.No.28955 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM

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

CrI.O.P.No.28955 of 2023

Balaji Sha

... Petitioner

Vs.

The State represented by
The Inspector of Police,
W-17, All Women Police Station,
Peravallur, Chennai

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.5 of 2022 on the file of
the respondent Police.

For Petitioner : Mr.C. Venkatesan

For Respondent : Mr.L.Baskaran
Government Advocate (CrI. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 25.03.2022, for the offences under Sections 9(m) r/w 10,21(1) of POCSO
Act in Crime No.5 of 2022 on the file of the respondent Police, seeks bail.



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2.It is stated that the accused is the father of the victim. It is stated that on 09.01.2024 the victim girl had committed suicide owing to some other reason and not the offence stated in the F.I.R.

3. The learned Government Advocate had stated that investigation has been completed and final report had taken on file and taken cognizance on Spl.C.C.No. 122 of 2022 and now pending before the Special Court for POSCO Cases at Chennai.

4.Taking this factor into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

5.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 learned **Session Judge(Special Court under POSCO Act), Chennai, Chennai District** 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 report before the Special Court for POSCO Cases at Chennai, every Monday at 10.30 a.m, till the completion of the Trial and thereafter, during the Court hearing dates.

[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].

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

29.01.2024

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To

- 1.The Session Judge(Special Court under POSCO Act), Chennai, Chennai District.
- 2.The Inspector of Police,
W-17All Women Police Station,
Peravallur, Chennai
- 3.The Central Prison, Puzhal, Chennai
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN,J.

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