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Crl.O.P.No.30867 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM

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

Crl.O.P.No.30867 of 2024

Kishore

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Sundarapuram Police Station,
Coimbatore District.
(Crime No. 248 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.248 of 2024**, pending investigation on the file of the respondent Police.

For Petitioner : Mr.D.Sivaraman

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

ORDER

Petition seeking bail in respect of **Crime No.248 of 2024** registered for the offences punishable under Section 7 r/w. Sections 8, 11(4) r/w. Section 12 of POCSO Act, 2012 and Sections 332 (c) and 351(2) of BNS, 2023, is on board for



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consideration.

2. The incarceration of the petitioner being from **19.11.2024** 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. He would submit that the petitioner is aged about 19-years and even as per the complaint, the petitioner and the defacto complainant are known to each other from their school days and the defacto complainant have also admitted that there was a love affair with the petitioner. Later, the victim joined college in Coimbatore and the petitioner is studying Engineering at Poonamallee. Thereafter, the petitioner and the defacto complainant continued their relationship, and when it came to the knowledge of the parents of the defacto complainant they have compelled her to give a false complaint, as if, the petitioner continuously harassed her. He would submit that the parents of the petitioner are residing at Guduvancheri, Chennai. He would further submit 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 victim xxxx is aged about 17-years, who is born on 21.03.2007



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and she was studying school at Chennai. During such time, the accused and the defacto complainant were having love affair, while so, on 31.12.2023, the accused had committed penetrative sexual assault on her, regarding this, a case was registered at Pollachi Mahalingapuram All Women Police Station. While so, the defacto complainant was studying B.E in a college, at Coimbatore and the accused who got her cellphone number through friends had threatened her, that he will upload the photos and create trouble during her marriage and thereafter, the accused took her to a Mall in Coimbatore and also to several places and misbehaved with her. Thereby, the defacto complainant was depressed, later, she informed her mother and a complaint was given.

4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, 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**, out of which, **one must be either father or mother**, each for a like sum to the satisfaction of the **Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore**, and on further



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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 Chennai and report before the Inspector of Police, Vandalur All Women Police Station, Chennai, on every Saturday at 6.30 p.m., until further orders and the petitioner shall not enter into the jurisdiction limit 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 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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To

1. The Principal Special Court for Exclusive Trial of Cases
under POCSO Act, Coimbatore.
2. The Inspector of Police,
Sundarapuram Police Station,
Coimbatore District.
3. The Inspector of Police,
Vandalur All Women Police Station,
Chennai.
4. The Superintendent, Central Prison,
Coimbatore Jail.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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