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Crl.O.P.No.31602 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM

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

Crl.O.P.No.31602 of 2024

Sajjat Gazi

... Petitioner/ Sole Accused

Vs.

The State Rep. By
The Inspector of Police,
All Women Police Station,
South Tiruppur.
(Crime No.8/2024)

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending Trial in
Spl SC No.87 of 2024 before the Mahalir Neethimandram (FTMC), Tiruppur in
Crime No.8 of 2024 on the file of the Inspector of Police, All Women Police
Station, South Tiruppur.

For Petitioner : Mr.P.Thinesh

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

ORDER

Petition seeking bail in respect of Crime No.8 of 2024 registered for
the offences punishable under Sections 366 of IPC & 5(1) r/w.6 of POCSO Act,
Section 9, 10 of Child Marriage Act is on board for consideration.

2.The incarceration of the petitioner being from 02.04.2024 pleading



Cr1.O.P.No.31602 of 2024

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, aged about 21 years and the victim girl were known to each other. He also submits that the petitioner without understanding the consequences fell in love with the minor girl, leading to a consensual physical relationship. He also submits that the petitioner is no way connected with the alleged offences and he 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 induced the victim girl, aged 13 years and kidnapped her and later committed penetrative sexual assault on her.

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 considering the period of incarceration undergone by the petitioner, 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 surety should be a blood related surety and another should be a local surety) each for a like sum to the satisfaction



Cr1.O.P.No.31602 of 2024

of the learned Sessions Judge, Mahalir Neethimandram (FTMC) Tiruppur, 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 report before the learned Sessions Judge, Mahalir Neethimandram (FTMC) Tiruppur, on all working days at 10.30 a.m., 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.

18.12.2024

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A.D.JAGADISH CHANDIRA., J.

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To

1.The Sessions Judge,
Magalir Neethi Mandram
(Fast Track Mahila Court), Tiruppur.

2.The Inspector of Police,
All Women Police Station,
South Tiruppur.

3.The Superintendent
Central Prison, Tiruppur

4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.31602 of 2024

18.12.2024