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Crl.O.P.No.31570 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.31570 of 2024

Mohammad Hussain

... Petitioner/Accused

Vs.

State Rep. By
The Inspector of Police,
Gobi All Women Police Station,
Erode District.
(Crime No.52/2024)

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.52
of 2024 pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Radha Pandian

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

ORDER

Petition seeking bail in respect of Crime No.52 of 2024 2024 registered
for the offences punishable under Sections 7 and 8 of POCSO Act is on board for
consideration.

2.The incarceration of the petitioner being from 15.10.2024 pleading



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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 there was a dispute between the victim's mother and father, which led to their separation. He also submits that through a matrimonial website, the de facto complainant contacted the petitioner regarding a second marriage and at the instigation of her family members, the de facto complainant then filed a false complaint against the petitioner. 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 accused who was known to the victim's Mother through a matrimonial website, misbehaved with the victim girl, aged about 14 years and inappropriately touched her shoulder and breast.

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



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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 Court of Sessions, Magalir Neethi Mandram (Fast Track Mahila Court), Erode, 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 Kambam and report before the Inspector of Police, Kambam Police Station, Kambam, everyday 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]***;



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[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 Court of Sessions,
Magalir Neethi Mandram
(Fast Track Mahila Court), Erode.
- 2.The Inspector of Police,
Gobi All Women Police Station,
Erode District.
- 3.The Superintendent,
District Prison, Gobichettipalayam
- 4.The Public Prosecutor,
High Court of Madras.
- 5.The Inspector of Police
Kambam Police Station
Kambam.



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A.D.JAGADISH CHANDIRA., J.

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