



Crl.O.P.No.31942 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

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

Crl.O.P.No.31942 of 2024

A.Thomnic Rosario

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
AWPS - Ulundurpet Police Station,
Kallakurichi District.

(Crime No.20 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.20 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Jayachandran

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

ORDER

Petition seeking bail in respect of Crime No.20 of 2024 registered for the offences punishable under Sections 78(2) and 351(3) of BNS, Sections 5(1), 6 of Protection of Children from Sexual Offences Act, 2012 and Section 67 of Information Technology Act, is on board for consideration.



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2. The incarceration of the petitioner being from 25.10.2024 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, aged about 24 years, without understanding the consequences and rigours of the Protection of Children from Sexual Offences Act, had a love affair with the minor victim girl, however, he has not committed any offence as alleged by the prosecution. He also submits that due to previous enmity with regard to financial transactions, the de facto complainant had given a false complaint against the petitioner. 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, aged about 24 years, had stalked the minor victim girl, aged about 17 years, and on the false promise of marrying her, induced and committed penetrative sexual assault on her and also taken obscene videos of her. Further, the petitioner, under the threat of posting the victim's obscene videos on social media, had sexual intercourse with on several occasions. He further submits that the investigation in this case is still pending and the statement has been recorded from the minor victim girl under Section 183 of BNSS.



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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 including the statement recorded under Section 183 of BNSS from the minor victim girl 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 of the sureties should be either the father or mother of the petitioner)**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Ulundurpet**, 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 Chennai and report before the Inspector of Police, D1 Police Station, 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;



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A.D.JAGADISH CHANDIRA.,J.

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[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.

20.12.2024

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To

1. The Judicial Magistrate No.I,
Ulundurpet,
2. The Inspector of Police,
AWPS - Ulundurpet Police Station,
Kallakurichi District.
3. The Superintendent,
Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
D1 Police Station, Triplicane,
Chennai.

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