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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.14902 of 2024

Yonas ... Petitioner/Sole Accused

Vs

The Inspector of Police,
AWPS Thoothukudi Police Station,
Thoothukudi District.
Cr.No.14 of 2024 ... Respondent/Complainant

For Petitioner : Mr.P.Samuel Gunasingh, Advocate
For Respondent : Mr.R.M.Anbunithi, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-
For Bail in Crime No.14 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 13.05.2024 for the offences punishable under Sections 5(1) & 6 of POCSO Act, 2012, in Crime No.14 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had penetrative sexual

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assault upon the victim girl by giving a false promise that he would marry her. Hence, the complaint.

3.Heard both sides.

4.Considering the nature of the allegations in this case that the petitioner, who is aged 24 years is said to have committed penetrative sexual assault on the victim child, who had completed only 12 years age as on the date of occurrence and considering the deposition made by the victim child that the petitioner is known to the victim child and that she has been going to their house, and that the petitioner introduced the victim child to his mother as if he is going to marry the victim child and considering the fact that when the victim child was there in the house of the petitioner, the mother left the house and thereafter, on some occasions, the penetrative sexual assault has happened and the mother of the victim child had come to the accused's house and bang the door and make them to open the door and rescue the victim child and take her away and considering the fact that the petitioner was earlier married and his wife also passed away in a road accident and considering the fact that the petitioner is in jail from 13.05.2024 and that now, the matter is posted for examination of L.W.7 to L.W.10 on 21.10.2024 and that there are totally 18 witnesses in this case, and considering the argument of the learned counsel for the petitioner that the petitioner will co-operate for the trial without fail and appear before the trial

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court on all hearings, this Court is inclined to grant bail to the petitioner on certain conditions.

5.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing 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 Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall appear before the concerned trial Court for each and every hearings without fail;

(iii) The petitioner will cross examine all the witnesses on the respective dates itself and cooperate for the trial;

(iv)the petitioner shall not tamper with evidence or witness;

(v)the petitioner shall not abscond during trial.

(vi)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

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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

(vii)If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
14/10/2024

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16/10/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
THOOTHUKUDI.

2 THE INSPECTOR OF POLICE,
AWPS THOOTHUKUDI POLICE STATION, THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.14902 of 2024
Date :14/10/2024

RS//SAR-(16.10.2024) 4P 5C

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