



CRL OP(MD). No.18874 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2024

PRESENT

The Hon`ble Mr.Justice **N.ANAND VENKATESH**

CRL OP(MD). No.18874 of 2024

Veerapandi

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Mayiladumparai Police Station,
Theni District.
Crime No.92/2024.

... Respondent/Complainant

For Petitioner : Mr.Ramasamy S, Advocate

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime no.92/2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 15.09.2024 for the offences under Sections 3 and 4 of POCSO Act in Crime No.92 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner kidnapped the victim girl and had sexual intercourse with her.

3.The learned Counsel appearing for the petitioner submitted that the petitioner and the victim girl loved each other. Aggrieved over the same, the parents of the victim girl had lodged this complaint.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that there is no previous antecedent against the petitioner.

5.This Court carefully went through the statement recorded under Section 183 BNSS (hereinafter referred to as new procedure code) from the victim girl. It is seen that the petitioner and the victim had love affair, which ultimately resulted in physical intercourse.



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6. Taking into consideration the facts and circumstances of the case and the statement that was recorded under Section 183 of new procedure code and also considering the fact that the petitioner has already suffered incarceration for more than 45 days, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. Accordingly, 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 learned **Sessions Judge, the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Theni**, 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 respondent police **as and when required** except on the days when the case is posted for hearing before the trial Court.

[c] the petitioner shall appear before the trial Court during every hearing date without fail.



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[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
04/11/2024

/ TRUE COPY /

04/11/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

1 THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT, THENI.



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2 THE OFFICER INCHARGE,
DISTRICT JAIL, THEKKAMPATTI, THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
MAYILADUMPARAI POLICE STATION,
THENI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.18874 of 2024
Date :04/11/2024

SS/SAR- /04/11/2024/ 5P/5C

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