



CRL OP(MD). No.20818 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.20818 of 2024

V. Sivasakthi,

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
The Inspector of Police,
Sanarpatty
All Women Police Station,
Dindigul District.
(Crime No.274/2024.)

... Respondent/Complainant

For Petitioner : Mr.M.Vignesh Kumar, Advocate.

For Respondent : Mr.S,Ravi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.274/2024 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



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custody on 20.07.2024 for the offence under Section 139 of BNS, 2023 AND Section 5 (1) R/W Section 6 of POCSO Act and Section 9 of Child Marriage Act in Crime No.274 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner, who is a married man performed a forced marriage with the victim girl and thereafter, committed penetrative sexual assault. Two earlier bail petitions filed by the petitioner in Crl.O.P.(MD).Nos.15578 of 2024 and 18532 of 2024 were dismissed by this Court by an order dated 18.09.2024 and 28.10.2024 respectively. The present bail application has been filed on the ground that the petitioner is in judicial custody from 20.07.2024 and till date, the final report has not been filed and therefore, the petitioner is entitled for statutory bail.

3. The learned Additional Public Prosecutor appearing for the respondent Police confirmed the fact that the final report has not been filed till date in this case based on the instructions received by him from Ms.P.Sarathamani, Sub Inspector of Police, Sanarpatti All Woman Police Station, Dindigul District, who was present at the time of hearing.

4. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner is in custody for more than 90 days and the final report has not been filed till date, the petitioner gets an indefeasible right to be



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enlarged on bail. In view of the same, this Court is inclined to grant bail to the petitioner subject to the following conditions.

5. Accordingly, the criminal original petition is ordered 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 learned Special Judge for Exclusive Trial of cases under POCSO Act, Dindigul 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 daily at 10.30 a.m., until further orders.

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

[d] the petitioner shall not abscond 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



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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 BNS, 2023.

sd/-
29/11/2024

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/11/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

To

1.The Special Judge for Exclusive Trial of cases under POCSO Act,
Dindigul.

2.The Inspector of Police,
Sanarpatty All Women Police Station,
Dindigul District.

3.The Officer Incharge,
District Jail,
Dindigul District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.VIGNESH KUMAR, Advocate (SR-14744[I] dated 29/11/2024)



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ORDER

IN

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Date :29/11/2024

ED/ /SAR- (29/11/2024) 5P / 6C

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