



CRL OP(MD). No.21506 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.21506 of 2024

Parameswaran,

... Petitioner/ Sole Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Theni All Women Police Station,
Theni District.
Crime No.15 of 2024..

... Respondent/Complainant

For Petitioner : Mr.D.Rajaboopathy,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime no.15 of 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 03.07.2024 for the offences under Sections 366A, 376(AB) of IPC and Section 4 of POCSO Act, 2012 @ 5(m), 5(n) and 6 of POCSO Act in Crime No.15 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the victim girl and the petitioner are close relatives. The petitioner is said to have committed sexual assault on the victim girl.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent Police.

4. The petitioner had earlier filed two bail petitions before this Court and both the petitions were dismissed by orders dated 29.07.2024 and 25.10.2024. This is the third application filed before this Court.

5. This Court wanted some progress to be made in this case and atleast the victim girl and the mother to be examined before the Court below before considering this bail application filed by the petitioner. Accordingly, P.W.1 and P.W.2 have been examined and these witnesses have already been cross-examined



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on the side of the petitioner.

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6. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner has suffered incarceration from 03.07.2024 and he is facing trial before the Court below, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. 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 Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Theni, Theni District 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 Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Theni, Theni District every day at 10.30 a.m. apart from the dates of hearing until further orders.

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



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

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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 BNS, 2023.

sd/-
20/12/2024

/ TRUE COPY /

20/12/2024

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

TSG
TO

- 1 THE JUDGE, SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT, 2012,
THENI, THENI DISTRICT.
- 2 THE INSPECTOR OF POLICE,
THENI ALL WOMEN POLICE STATION,
THENI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, THENGAMPATTI, THENI.



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

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-15741[I] dated 20/12/2024)

ORDER
IN
CRL OP(MD) No.21506 of 2024
Date :20/12/2024

SA/SAR- /20/12/2024/ 5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023