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Crl.O.P.No.1438 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.01.2025

CORAM

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

Crl.O.P.No.1438 of 2025

Rajasekaran

... Petitioner

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Muthupettai.
(Cr.No. 19 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.19
of 2024 on the file of the respondent.

For Petitioner : Mr Swami Subramanian

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

ORDER

Petition seeking bail in respect of Crime No.19 of 2024 registered for
the offences punishable under Sections 9(i), 9(n) r/w Section 10 of POCSO Act
and Section 296(b) of BNS, 2023 is on board for consideration.

2.The incarceration of the petitioner being from 16.12.2024 pleading



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innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that there was a matrimonial dispute between the petitioner and his wife, thereby she instigated their daughter to give a false complaint against him. He also submits that the petitioner is no way connected with the alleged offences and he 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 on 08.12.2024, the petitioner, who is the father of the de facto complainant, is said to have abused the de facto complainant in filthy language, pushed down, bitten her lips and tried to remove her dress.

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 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**, each for a like sum to the satisfaction of the learned Additional Sessions Judge, Fast Track Mahila Court, Tiruvarur and on further



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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, Mylapore 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;

[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.

22.01.2025

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A.D.JAGADISH CHANDIRA, J.
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To

1. The Additional Sessions Judge,
Fast Track Mahila Court, Tiruvarur.
2. The Inspector of Police.
All Women Police Station,
Muthupettai.
3. The Inspector of Police
Mylappore Police Station
Chennai.
4. The Superintendent,
District Prison, Nagapattinam.
5. The Public Prosecutor,
High Court of Madras.

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