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Crl.O.P.No.3425 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3425 of 2025

Ravi

... Petitioner

Vs.

The State represented by,
The Station House Officer,
AWPD -Cuddalore,
Cuddalore District.
(Crime No.42 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.42 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.N.U.Pressanna

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 12.10.2024, seeking bail in Crime No.42 of 2024 registered for the offence under Sections 87 of BNS Act and Section 5(m), 6 of POCSO Act.

2. The case of the prosecution is that the petitioner and the victim girl



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were neighbours and that while the victim girl was playing, petitioner called her into his house and took her to a secluded place, hugged her and also touched her private part.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to previous enmity, false case has been foisted against the petitioner. He further submitted that, in any case, the petitioner is in custody from 12.10.2024 and that further custody is not required as the prosecution has filed final report.

4. Learned Government Advocate (Crl.Side) reiterated the case of the prosecution and confirms the fact that final report has already been filed and taken on file in Spl.S.C.No.135 of 2024 on the file of the Special Court for Exclusive Trial of the POCSO Act Cases, Vellore

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



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6. Considering, the nature of allegation; the period of incarceration; and that since final report has been filed, further custody of the petitioner is not required, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 **Special Court for Exclusive Trial of the POCSO Act Cases, Cuddalore** 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 trial Court on all working days 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;



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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 B.N.S.

12.02.2025

Sma
To

1. Special Court for Exclusive Trial of the POCSO Act Cases, Cuddalore
2. The Station House Officer,
AWPD -Cuddalore,
Cuddalore District.
3. The Superintendent,
Central Jail, Cuddalore
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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