



WEB COPY



Crl.O.P.No.3769 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.3769 of 2025

1. Allauddin

2. Md Mainudeen

... Petitioners

Vs.

The State Represented By
The Inspector of Police,
AWPS W-5,
Selaiyur Police Station.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, pending Trial in Spl.S.C.No.77 of 2023 on the file of Court of Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Chengalpattu.

For Petitioners : Mr.M.Murugan

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.side)

ORDER

Petition seeking bail in respect of Crime No.1 of 2022 registered for the offences punishable under Sections 370, 506(ii) of IPC r/w Section 66E of Information Technology Act, 2000 r/w Section 6 of Protection of Child from



Crl.O.P.No.3769 of 2025

Sexual Offences Act 2006 r/w Section 4 & 5 of Immoral Trafficking (Protection) Act, 1956 r/w Section 75 Juvenile Justice Act, is on board for consideration.

2. The incarceration of the petitioners being from 28.01.2022 pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seek indulgence of this Court. He also submits that the petitioners are no way connected with the alleged offence. He further submits that the petitioners are 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 (Crl.side) appearing for the respondent police, while opposing for grant of bail, is that the petitioners along with other accused had committed penetrative sexual assault against the minor victim girls and also involved them for prosecution. He further submitted that this is the fourth bail petition. Earlier petitions filed by the petitioners were dismissed by this Court. He further submits that the entire investigation has been completed and the same has been taken cognizance in Spl.S.C.No.77 of 2023, on the file of the Court of Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act,



Crl.O.P.No.3769 of 2025

Chengalpattu. Though the Trial Court had taken cognizance, no Trial has been commenced so far, since the victims are hailing from North-East India. That apart, the defacto complainant also died. There are totally four accused, in which except the petitioners, other were already released on bail.

4. Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioners from 28.01.2022, this Court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two blood related sureties**, each for a like sum to the satisfaction of the learned **Court of Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Chengalpattu**, 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 petitioners shall report before the Trial Court everyday at 10.30 a.m., until further orders;



WEB COPY



CrI.O.P.No.3769 of 2025

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

13.02.2025

mn



WEB COPY



CrI.O.P.No.3769 of 2025

To

1. The Court of Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Chengalpattu.
2. The Inspector of Police,
AWPS W-5,
Selaiyur Police Station.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.3769 of 2025

G.K.ILANTHIRAIYAN.,J.

mn

Crl.O.P.No.3769 of 2025

13.02.2025