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Crl.O.P.No.3448 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.3448 of 2025

Sanjay @ Abun

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Jedarpalayam Police Station,
Namakkal District.
(Crime No.119 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.119 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : M/s.C.R.Gokul Visvas

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 09.12.2024, seeking bail in Crime No.119 of 2024 registered for the offence under Sections Girl Missing @ 137(2) of BNS read with Section 3 and 4, 5(g), 5(1) read with Section 6(1), 7 read with Section 8 and 17 of POCSO Act, 2012.



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2. The case of the prosecution is that on 20.10.2024, the victim girl aged about 15 years went with one Vignesh and thereafter said Vignesh along with two other accused committed penetrative sexual assault against the victim girl. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that, even as per the statement of the victim girl recorded under Section 183 of BNSS, there is no allegation of penetrative sexual assault against the petitioner and that in any case, the petitioner is in custody from 09.12.2024 and that since further custody is not required for the purpose of investigation, he may be released on bail.

4. Learned Government Advocate (Crl.Side) reiterated the case of the prosecution and submitted that statement of the victim girl under Section 183 of BNSS has been recorded. He further submitted that the allegation against the petitioner is that, he had kissed the victim girl.



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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.

6. Considering the fact that though there are serious allegations as against the other accused, there is no serious allegations as against the petitioner; the period of incarceration; and that since further custody is not required for the purpose of investigation, 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 **Judicial Magistrate, Paramathi, Vellore at Namakkal 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;



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[b] the petitioner shall report before the respondent Police, 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 B.N.S.

12.02.2025

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To

1. Judicial Magistrate, Paramathi, Vellore at Namakkal District
2. The Inspector of Police,
Jedarpalayam Police Station,
Namakkal District.
3. The Superintendent,
Sub Jail, Namakkal.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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