



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.4050 of 2025

Kaliyan
S/o.Senkan

...Petitioner/Accused

Vs.

State through
The Inspector of Police,
Kallakurichi AWPS,
Kallakurichi District.

(Crime No.05 of 2025)

...

Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.05 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.D.Babu Varadharajan

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 23.01.2025, seeking bail



in Crime No.05 of 2025 registered for the offence under Sections 9(m) and 10 of POCSO Act.

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2.It is the case of the prosecution that the petitioner, who is aged 75 years, had laid the victim child aged 8 years in the ground and slept over on her and thus committed the aforesaid offences. Hence, the case.

3.The learned counsel for the petitioner would submit that the allegations are false and the petitioner is sought to be implicated on account of prior enmity with the grandmother of the victim child and in any case, considering the age and the period of incarceration, the petitioner may be released on bail.

4.The learned Government Advocate (Crl. Side) for the respondent would reiterate the prosecution case and produced the 164 statement of the victim.

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, including the 164 statement of the victim.

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6.Considering the statement of the victim under Section 164 of Cr.P.C, age of the petitioner and the period of incarceration and since further custody of the petitioner 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 **Judicial Magistrate, Kallakurichi, Kallakurichi 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 respondent Police, everyday at 10.30 a.m., until further orders;



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

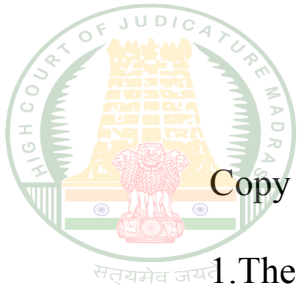
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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.

18.02.2025

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Copy to:

1.The Inspector of Police,
Kallakurichi AWPS,
Kallakurichi District.

2.The Judicial Magistrate, Kallakurichi, Kallakurichi District.

3.The Superintendent of Prison,
Central Jail, Cuddalore.

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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