



CRL O.P. No.4909 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 24.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL O.P. No.4909 of 2025

Suresh

... Petitioner / accused

Versus

The State Rep. By
Station House Officer,
Ariyankuppam Police Station,
Pondicherry.
Crime No.282 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., praying to enlarge the petitioner on bail pending investigation in Crime No.282 of 2024 on the file of the respondent Police.

For petitioner : Mr. G. Ezhilbalaji.

For Respondent : Mr. K.S. Mohandoss, Additional Public,
Prosecutor (Pondicherry) assisted by
Mr. M. Thamizhmani.

ORDER



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This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 28.12.2024, seeking bail in Crime No.282 of 2024 registered for the offence under Sections 8 and 12 of POCSO Act.

2.The case of the prosecution is that the petitioner is the father of the victim; that on 24.12.2024, the petitioner called the victim girl and asked her to kiss him; that when she refused, he kissed her and touched the private part and thereafter, attempted to commit penetrative sexual assault; that thereafter, the victim had taken 14 sugar tablets kept in the house and left the house. Hence, the case.

3.Learned counsel for the petitioner submitted that the petitioner and his wife had matrimonial differences and property dispute; that when the petitioner warned the victim girl who is aged 16 years, not to speak with her boy friend, she consumed the tablets and that the allegations against the petitioner are false. He further submitted that the petitioner is in custody from 28.12.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court and since further custody is



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not required, the petitioner may be released on bail.

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4. Learned Additional Public Prosecutor reiterated the case of the prosecution and submitted that the petitioner being the biological father had committed the grave offence and no indulgence should be shown to him. He further submitted that the investigation has been completed and final report has been filed and if he is released on bail, he would threaten the witnesses and hence, opposed for grant of bail.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent Police and perused the materials available on record.

6. Considering the aforesaid facts; nature of allegations against the petitioner; the period of incarceration; the relationship between the petitioner and the defacto complainant; and since the final report has been filed, this Court is of the view that further custody is not required for the purpose of investigation and inclined to grant bail to the petitioner with conditions.



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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 Fast Track Court Exclusively to deal with Offences under POCSO Act, Puducherry.

[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 Yaanam, Pondicherry and report before the Station House Officer, Yaanam Town Police Station, Yaanam, Pondicherry 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



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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.

24.02.2025

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To

1.The Public Prosecutor,
High Court of Madras,
Chennai.

2.The Station House Officer,
Ariyankuppam Police Station,
Pondicherry.

3.The Fast Track Court Exclusively to deal
with Offences under POCSO Act,
Puducherry.

4.The Kalapet Prison,
Pondicherry.



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SUNDER MOHAN. J,

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