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Crl.O.P.No.6053 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.6053 of 2025

Inbasekaran

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Marandahalli Police Station,
Dharmapuri District.

(Crime No.283 of 2023)

... Respondent

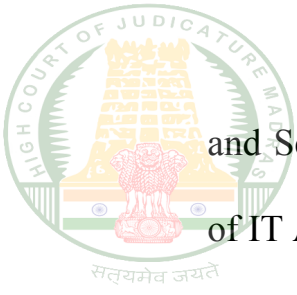
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.283 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.Deepak Kumar

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 22.11.2023, seeking bail in Crime No.283 of 2023 registered for the offence under Sections 336 of IPC



and Section 13 r/w 14, 5(l), 5(m), 6 of POCSO Act, 2012 and Section 67B of IT Act.

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2.It is the case of the prosecution that the victim girl (aged 10 years) was studying 5th standard in a Government School; that the petitioner is her neighbour; that when the victim girl was playing in front of her house, the petitioner, on the guise of calling the victim girl to watch a TV program had committed penetrative sexual assault by asking her to apply her mouth to the private part of the petitioner. Hence, the case.

3.The learned counsel for the petitioner would submit that the allegations are false; that the petitioner was arrested on 22.11.2023; that since the petitioner had prior dispute with the family members, of the victim girl, a false complaint has been given; that the preventive detention order against the petitioner has been quashed by this Court on 14.02.2025 and that in any case, considering the period of incarceration and the fact that final report has been filed, the petitioner may be released on bail.

4.Per contra, the learned Government Advocate (CrI. Side) reiterated the prosecution case and produced a copy of the statement of the victim



recorded under Section 164 of Cr.P.C., and confirms the prosecution case.

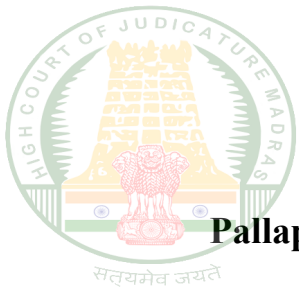
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5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (CrI. Side) for the respondent Police and perused the materials available on record.

6. Considering the nature of allegations, period of incarceration, the fact that the statement of the victim has been recorded and investigation has been completed and final report has also been filed, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence, 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 **Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri**, 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 stay at Salem and report before the
**Pallapatty Police Station, everyday at 10.30 a.m., apart from the Court
hearing dates, till completion of the Trial.**

[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.

04.03.2025

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Copy to:

1.The Inspector of Police,



Marandahalli Police Station,
Dharmapuri District.

2.The Special Court for Exclusive Trial of Cases under POCSO Act,
Dharmapuri.

3.Central Prison, Salem.

4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.

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