



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.6841 of 2025

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...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
W-2, All Women Police Station,
Triplicane,
Chennai.
(Crime No.1 of 2024)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Spl.S.C.No.172 of 2024 in Crime No.1 of 2024 pending trial before the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

For Petitioner : Mr.D.Gopikrishnan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

The petitioner, who is facing trial for the offence under Section 8 r/w 18 of POCSO Act, 2012 on the file of the Special Court for Exclusive Trial



of Cases under POCSO Act, Chennai, did not appear before the Trial Court on 18.06.2024 and a Non-Bailable Warrant has been issued and thereafter, the same was executed on 30.01.2025 and remanded to judicial custody and hence, seeks bail.

2.It is the case of the prosecution that the petitioner and the victim are neighbours; that while the victim was returning home, the petitioner, in an inebriated condition, had inappropriately touched the victim girl and thus committed the aforesaid offences.

3.The learned counsel for the petitioner would submit that pursuant to the NBW issued on 18.06.2024, he was arrested on 30.01.2025; that the allegations are false; that the disputes between the parties has been projected as a case of sexual assault and in any case, considering the period of incarceration, further custody of the petitioner is not required and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the case is now posted for trial and charges have been framed.



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5.Considering the aforesaid facts, the nature of allegations, period of incarceration, 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.

6.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 Special Judge for Exclusive Trial of Cases under POCSO Act, Chennai**, 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 Trial Court 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;

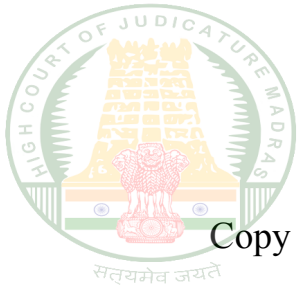


[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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.

11.03.2025

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- 1.The Inspector of Police,
W-2, All Women Police Station,
Triplicane,
Chennai.
- 2.The Special Judge for Exclusive Trial of Cases under POCSO Act,
Chennai.
- 3.Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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