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CRL OP No. 15831 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 15831 of 2025

Shahul Hameed @ Kasim

Petitioner(s)

Vs

State rep by, The Inspector of Police
W-3, AWPS, Chindadripet, Chennai.

Respondent(s)

PRAYER

This Criminal Original Petition is filed to enlarge the Petitioner on bail, in connection with SPL.S.C.No,53 of 2023 on the file of the learned Sessions Judge, Special Court for Exclusive trial of Cases under POCSO Act cases at Chennai

For Petitioner(s): Mr. R.Rafi Babu

For Respondent(s): Mr.L.Baskaran, GA (Crl.Side)



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 09.05.2023 for the offence punishable under Section 7 and 8 of POCSO Act @ Section 9 (m) read with Section 10 of POCSO Act in connection with Crime No.1 of 2023, registered on the file of the respondent, seeks bail.

2. The learned counsel for the petitioner would submit that a case was registered by the respondent for an offence under Section 7 and 8 of POCSO Act @ Section 9 (m) read with Section 10 of POCSO Act and the petitioner was arrested and remanded to Judicial Custody and subsequently he was released on bail by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act cases at Chennai in Crl.M.P.NO. 563 of 2023 vide order dated 09.05.2023. The investigation in this case was completed and final report was filed before the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act cases at Chennai and charges were framed on 09.04.2023. However on 31.05.2024, the petitioner was unable to appear before the court due to illness and Non-Bailable Warrant was issued against the him

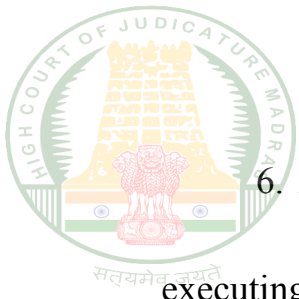


and he was arrested on 28.11.2024. Now the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

3. Learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed to allow this petitioner contending that though the investigation has been completed, if the petitioner is released on bail, there are chances for the petitioner to abscond, to tamper the witnesses and that the trial of the case will be affected. Hence, prays to dismiss this petition.

4. Heard both sides and perused the materials available on record.

5. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side, and the period of incarceration undergone by the petitioner, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act Cases at Chennai** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before Trial Court on every Monday and on all hearing dates without fail.

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate



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orders against the petitioner in accordance with law as if the
aforementioned 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)13 SCC 283]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under

Section 269 of B.N.S.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Note :

1. Registry is directed to forthwith upload
this order in the Official Website of this
Court.

2. All concerned to act on this order being
uploaded in Official Website of this Court
without insisting on certified hard copies. To
be noted, this order when uploaded in the
official website of this Court will be
watermarked and will also have a QR code.



To
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1. The Inspector of Police
W-3, AWPS, Chindadripet, Chennai.

2. The Sessions Judge,
Special Court of Exclusive Trial
of Cases under POCSO Act
Cases, Chennai.
3. The Central Prison II, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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