



CrI.O.P.No.30170 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.01.2025

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.30170 of 2024

Shadik Basha

... Petitioner

Vs.

The State Rep. by
Inspector of Police,
Thirupattur Taluk Police Station,
Tirupattur District.
(Cr.No. 669 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.669 of 2024 on the file of the respondent.

For Petitioner : Mr.S.Sathyaraj

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

ORDER

Petition seeking bail in respect of Crime No.669 of 2024 registered for
the offences punishable under Sections 5(i), 5(m) and Section 6 of The



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Protection of Child from Sexual Offences Act, 2012 and Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015 is on board for consideration.

2.The incarceration of the petitioner being from 22.10.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the petitioner runs a Madarasaya Siddiqua at Pa.Mudampatti and had disciplined the sons of the de facto complainant, while they were studying there, thereby a false complaint has been given against him and his son. He also submits that even as per the prosecution, there are no allegations of sexual assault against the petitioner. He also submits that the petitioner is no way connected with the alleged offences and he is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner along with other accused, who is running an educational institution by name, Madarasaya Siddiqua at Pa. Madampatti, wherein the children of the de facto complainant, aged about 11 years and 9



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years had been enrolled as students, is said to have beaten, tortured and sexually abused. He further submits that the statement under Section 183 of BNSS also recorded from the victims.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the statement of the victims recorded under Section 183 of BNSS and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and 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 District and Sessions Judge (Special Court for POCSO) Tirupattur 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



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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 of B.N.S.

22.01.2025

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To
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1. The District and Sessions Judge,
(Special Court for POCSO),
Tirupattur.
2. The Inspector of Police,
Thirupattur Taluk Police Station,
Tirupattur District.
3. The Superintendent,
Sub Jail, Tirupattur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.
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