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CrI.O.P.No.32091 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

CORAM

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

CrI.O.P.No.32091 of 2024

Vishnu

... Petitioner

Vs.

State rep. by the Station House Officer,
Bahour Police Station,
Puducherry District. (Crime No.126 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner/accused on bail in
Crime No. 126 of 2024 pending investigation before the respondent. Police.

For Petitioner : Mr.M. Balamurugan

For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)

ORDER

Petition seeking bail in respect of Crime No. 126 of 2024 registered for
the offences punishable under Sections 137(2) of BNS 2023, and Section 6 of
POCSO Act, 2012 is on board for consideration.

2.The incarceration of the petitioner being from 17.11.2024 pleading
innocence on the part of the petitioner and false implication in the case, learned



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counsel for the petitioner seeks indulgence of this Court. He also submits that the case of friendship has been misconstrued and a false complaint has been given against the petitioner. He also submits that even in the statement recorded from the victim girl under Section 183 of BNSS, she has not made any allegation of penetrative sexual assault. 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 Public Prosecutor (Puducherry) appearing for the respondent police, opposing for grant of bail, is that on the complaint given by the de facto complainant that her minor daughter was missing, a case in Cr.No.126 of 2024 was registered as girl missing, later during the course of investigation, it came to light that the petitioner, who is said to have a love affair with the victim child, had induced the minor victim girl and committed penetrative sexual assault on her several times for over two years.

4.Having heard the learned counsel for the petitioner and the learned Public Prosecutor (Puducherry) for the respondent Police and perused the materials available on record 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



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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 the POCSO Act at Puducherry 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 06.30 p.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 of B.N.S.

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A.D.JAGADISH CHANDIRA, J.

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To

1. The Sessions Judge,
Fast Track Court exclusively to deal with offences
under the POCSO Act at Puducherry
2. Station House Officer,
Bahour Police Station,
Puducherry District.
3. The Superintendent,
Central Prison, Puducherry
4. The Public Prosecutor,
High Court of Madras.

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