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Crl.O.P.No. 32298 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

CORAM

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

Crl.O.P.No.32298 of 2024

Siva @ Sivaraj

...

Petitioner

Vs.

The State represented by
The Inspector of Police,
Tiruppur North, AWPS,
Tiruppur District.
(Crime No.36 of 2024)

...

Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in
connection with Crime No.36 of 2024, on the file of the respondent Police.

For Petitioner : Mr.J.Franklin

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

ORDER

Petition seeking bail in respect of Crime No.36 of 2024 registered for
the offences punishable under Sections 75(i)(ii) of BNS and 11(v) r/w 12, 5(1)
r/w 6 of POCSO Act 2012, is on board for consideration.



2. The case of the prosecution as per the defacto complainant XXX, minor aged about 16 years, is that A1, who is a married man, had induced her and on false promise to marry her, had sexual intercourse with her. A2, who is the friend of A1, had recorded the act by hidden camera and videographed the same and threatened her to succumb to his desire and also sent a video to the brother of A1. Hence, the complaint.

3. The incarceration of the petitioner being from 05.11.2024 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 also submits that apart from the allegation that the petitioner threatened the defacto complainant, there is no other allegation of sexual assault by the petitioner. He would further submit that the persons, who are said to have recorded the act on camera, have unnecessarily implicated the petitioner's name in this case. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant



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of bail, is that the statement under Section 183 of BNSS has been recorded from the victim girl. He further submits that the charge sheet has also been filed in this case before the learned Mahila Court, Tiruppur in Spl.S.C.No.228 of 2024.

5. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the the statement of the victim girl 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 **Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur** 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 Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur, on all working days at 10.30 a.m., until further orders;



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[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.

02.01.2025

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To

1. The Sessions Judge,
Mahalir Neethimandram (FTMC),
Tiruppur
2. The Inspector of Police,
Tiruppur North, AWPS,
Tiruppur District.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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