



WEB COPY



Crl.O.P.No. 32265 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

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

Crl.O.P.No.32265 of 2024

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Petitioner

Vs.

The State represented by
The Inspector of Police,
W-13, All Women Police Station,
Washermenpet,
Chennai-600 081
(Crime No.22 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
Crime No.22 of 2024, on the file of the respondent Police.

For Petitioner : Mr.M.Mariyappan

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

ORDER

Petition seeking bail in respect of Crime No.22 of 2024 registered for
the offences punishable under Sections 9(f), 9(i) r/w 10 of POCSO Act 2012, is
on board for consideration.



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2. The incarceration of the petitioner being from 27.11.2024 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 the petitioner had not misbehaved with the son of the defacto complainant. He further submits that the petitioner 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, who is a tuition master, had committed sexual assault on the victim boy aged 13 years when he was attending tuition and he also bitten on the victim's shoulder and back. He further submits that the statement under Section 183 of BNSS has also been recorded from him.

5. 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 recorded under Section 183 of BNSS from the minor victim boy 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 **Special Court for Exclusive Trial of the 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 stay at Tiruvannamalai and report before the Inspector of Police, Town Police Station, Tiruvannamalai, on 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]***;



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[f] If the accused thereafter absconds, a fresh FIR
WEB COPY can be registered under Section 269 of B.N.S.

02.01.2025

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To

1. The Special Court for Exclusive Trial of the Cases under POCSO Act, Chennai
2. The Inspector of Police,
W-13, All Women Police Station,
Washermenpet,
Chennai-600 081
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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