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CrI.O.P.No.28218 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

CrI.O.P.No.28218 of 2025

Haja Moideen Samsudeen

... Petitioner

Vs.

The State represented by
The Station House Officer,
Grand Bazaar Police Station,
Puducherry.
(Crime No.210 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.210 of 2024 pending on the file of the respondent Police.

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 13.09.2025, for the offence punishable under Sections 137(2), 96 of BNS
and under Section 6 of POCSO Act, 2012, in Crime No.210 of 2024,
registered on the file of the respondent, seeks bail.



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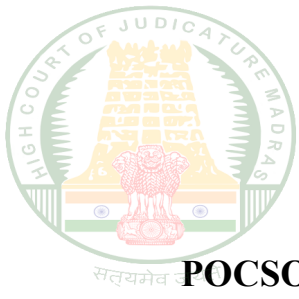
2. This Court on 19.08.2025 in Crl.O.P.No.22265 of 2025 had dismissed the petitioner's bail petition. Subsequent to the dismissal, the similarly placed co-accused were granted bail bail. On the ground of parity, the learned counsel for the petitioner seeks bail to the petitioner.

3. The learned Government Advocate (Crl. Side) submitted that it is a case of gang rape and the petitioner is the main accused.

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

5. Considering the submissions made on either side and taking into account the period of incarceration and also the fact that the similarly placed accused were granted bail in Crl.O.P.No.10176 of 2025 dated 25.07.2025 and Crl.O.P.No.26838 of 2025 dated 26.09.2025, 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.25,000/- (Rupees Twenty-Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Fast Track Court Exclusively to deal with offence under the**



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POCSO Act, and on further conditions that:
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[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 the respondent police daily at 10.30.a.m., for a period of two weeks and thereafter as and when required for interrogation;

[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 orders against the petitioner in



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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.

15.10.2025

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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

- 1.The Fast Track Court Exclusively to deal with Offence under the POCSO Act, Puducherry.

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2.The Station House Officer,
Grand Bazaar Police Station,
Puducherry.

3.The Central Prison, Kalapet, Puducherry.

4.The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR, J.

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