

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL ORIGINAL PETITION No.17693 of 2018

NIRMAL KUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
W-9 ALL WOMEN POLICE STATION,
VILLIVAKKAM CHENNAI
CR.NO.2 OFF 2018.

[RESPONDENT]

For Petitioner : M/S.R.GANESH KUMAR Advocate

For Respondent : MR.R.SURYAPRASKASH Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The learned counsel for the petitioner submitted that based upon the 161 statement given by the victim to Judicial Magistrate, he was arrayed as an accused. Following the complaint given by the mother of the victim, he was arrested. Further, stated that he was in custody since 15.05.2018.

2. The learned Government Advocate submitted that the victim girl seems X was aged 17 years studying in 12th in a private school and this petitioner alone has introduced the victim girl to the first accused who is alleged to have committed an offence under Section 6 of POCSO Act. During the investigation, it came to light that this petitioner also had committed offence under Section 6 of POCSO Act and he was taken to custody and medical examination on the victim girl as well as A1 and A2 have been completed. A1 was already released on bail by Mahila Court and investigation has been completed and charge sheet has been laid against A1 and A2 under Section 506(i) IPC.

3. Considering the submission of the learned Government Advocate their investigation has been completed and charge sheet has been laid, this Court is inclined to grant bail.

4. Accordingly, it is ordered that the petitioner shall be released on bail, subject to the following conditions:-

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum to the satisfaction of the learned Additional Sessions Judge, Mahila Court, Chennai;

(iii) the petitioner shall not tamper with evidence or witness during trial;

(iv) the petitioner shall not abscond during trial;

(v) on breach of any of the aforesaid conditions, the learned Trial Judge is entitled to take appropriate action against the petitioner in accordance with law as per the decision laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs.State of Kerala [(2005) AIR SCW 5560]**

(vi) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A I.P.C.

The petitioner shall report and sign before the respondent police daily at 10.00 a.m. for a period of four weeks.

-sd/-

20/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL SESSIONS JUDGE
MAHILA COURT, CHENNAI

2 THE INSPECTOR OF POLICE,
W-9 ALL WOMEN POLICE STATION,
VILLIVAKKAM CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S.R.GANESH KUMAR Advocate on payment of necessary charges SR.NO. 13533

CRL OP.17693/2018

Date :20/07/2018

RD 20/07/2018