

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18689 of 2018

SATHAM HUSAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AMMAPET, SALEM.

CR. NO. 05 OF 2018.

[RESPONDENT]

For Petitioner : M/S.J.STALIN Advocate

For Respondent : MR. C.IYYAPPARAJ ADDL.Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner was arrested on 12.05.2018 for the offence under Section 5 (1) (n) and Section 6 of POCSO Act, 313, 506 (i) IPC in Cr.No.05 of 2018 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is none other than the own sister of the petitioner's wife. The petitioner married the defacto complainant's elder sister. However, he sexually harassed the defacto complainant. Hence, based on the complaint of the defacto complainant the case came to be registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the victim girl has not made allegation against the petitioner and would further submit that he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor submits that though the petitioner was arrested based on the complaint of the defacto complainant, the statement recorded under Section 164 of Cr.P.C. from the defacto complainant reveals that no allegation was made by her against the petitioner and would further submit that investigation has been completed and charge sheet was also filed before the competent Court.

5.Considering the period of incarceration and also the fact that there is no specific overtact as against the petitioner, I am inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Salem and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the learned Sessions Judge, Mahila Court, Salem, daily at 10.30 a.m. until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond 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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

20/08/2018

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 SESSIONS JUDGE
MAHILA COURT, SALEM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AMMAPET, SALEM

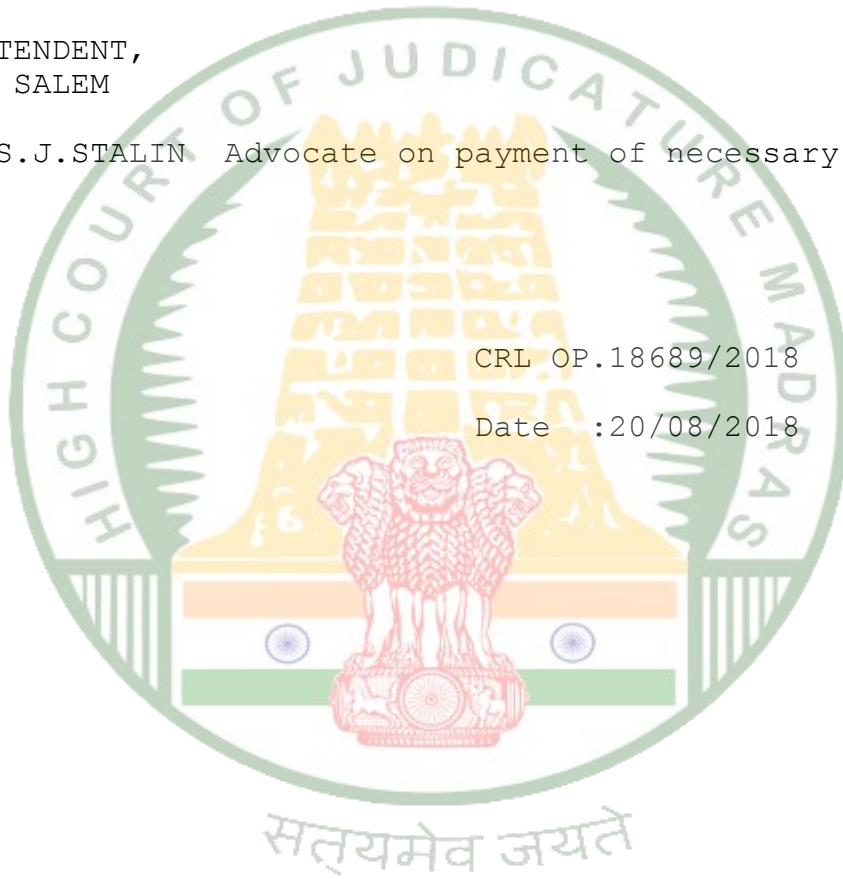
4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

+1CC to M/S.J.STALIN Advocate on payment of necessary charges
SR.NO. 15442

CRL OP.18689/2018

Date :20/08/2018

cm 20/08/2018



WEB COPY