

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Ninth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.5094 of 2020

SHESADEV KAR

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
S.H.O., GRAND BAZAR POLICE STATION,
PUDUCHERRY.
CR.NO.197/2019.

For Petitioner : M/S. M.MAGESH Advocate

For Respondent : MR.BHARTHA CHAKARAVARTHY PUBLIC PROSECUTOR,
PUDUCHERRY

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 22.12.2019 in **Crime No.197 of 2019** for the offence under Section 10 of POSCO Act, 2012 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner who is a care taker in the boys hostel misbehaved with one of the inmate by touching his private part.

3. The learned counsel for the petitioner would submit that the petitioner was arrested on 22.12.2019. He would further submit that the major part of the investigation has been completed and final report has also been filed. The victim and his father have also given a statement that no such incident has happened and that a false complaint has been given. A compromise memo was also filed by the victim and his father. Hence, the learned counsel prays for granting bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is the caretaker of the hostel misbehaved with one of the inmate boys by touching his private part. He would submit that the investigation has been completed and final report has been filed before the Special Court. However, he opposed for granting bail.

5. Taking into consideration the fact that the petitioner has been arrested on 22.12.2019 and that the investigation has been completed as against him and the petitioner is aged about 60years, this Court is inclined to grant bail to the petitioner, subject to the following conditions;

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, each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Puducherry, 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 Principal District and Sessions Judge/Special Court, Puducherry 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

09/03/2020

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 PRINCIPAL DISTRICT AND
SESSIONS JUDGE, PUDUCHERRY

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY[FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PONDICHERRY

4 THE PUBLIC PROSECUTOR
PONDICHERRY

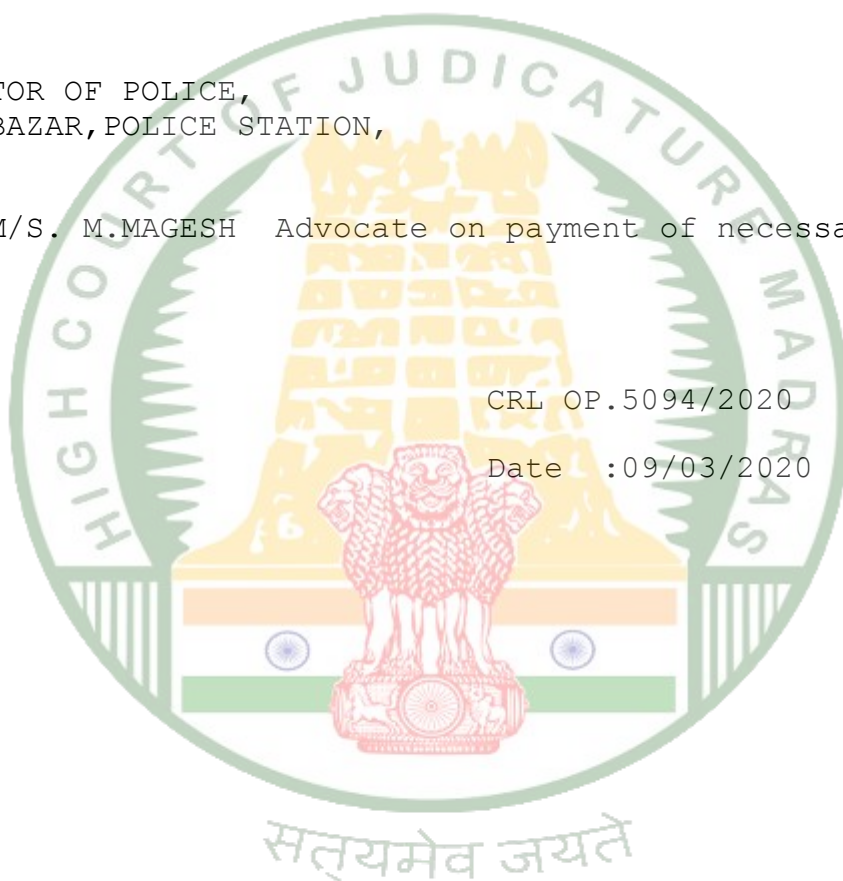
5 THE INSPECTOR OF POLICE,
S.H.O., GRAND BAZAR, POLICE STATION,
PUDUCHERRY.

+1 CC to M/S. M.MAGESH Advocate on payment of necessary charges
SR.NO. 4639

CRL OP.5094/2020

Date :09/03/2020

RD 09/03/2020



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