

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2020

CORAM:

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

CrI.O.P.No.9440 of 2020

Ramesh

... Petitioner

Vs.

State Rep. by
Sub-Inspector of Police
All Women Police Station,
Vandavasi,
Thiruvannamalai District.
Crime No.2 of 2020

... Respondent

PRAYER: This Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in respect of the above Crime No.2 of 2020 on the file of the respondent police.

For Petitioner : Mr.E.Prathiban

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 08.05.2020 in Crime No.2 of 2020 on the file of the respondent police for the offences punishable under Sections 354(D) of IPC and Section 12 of POCSO Act, 2012, seeks bail.

2. The case of the prosecution as per the defacto complainant (mother of the victim) is that the petitioner misbehaved with her daughter and pulled her hand, when she had come out from the house.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner and the victim girl belong to different community and they were in love with each other and that the petitioner wanted to marry the victim girl. In order to avoid the petitioner, the mother of the

defacto complainant has given a false complaint as if the petitioner has misbehaved with the victim girl. The petitioner was arrested on 08.05.2020 and he is in custody for more than a month.

4. The learned Additional Public Prosecutor would submit that the petitioner misbehaved with the minor daughter of the defacto complainant by pulling her hand. He would further submit that the investigation is almost completed.

5. Taking into consideration the facts and circumstances of the case and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the Special Court for POCSO cases, Thiruvannamalai, within a period of two weeks from the date of lifting of lock down, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police as and when required for interrogation.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
25/06/2020

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 SPECIAL COURT FOR POCSO
CASES, THIRUVANNAMALAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

3 SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VANDAVASI, THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. E.PARTHIBAN Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.9440/2020

Date :25/06/2020

rd 27/07/2020

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