

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.07.2020

CORAM :

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

Crl.O.P.No.10754 of 2020

Shree Ram Kumar

... Petitioner

Vs.

State rep. by
The Inspector of Police
Uthukuli Police Station,
Tiruppur District.
(Crime No.722 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.722 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Kaithamalai kumaran

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 13.05.2020 for the offences punishable under Sections 13, 14 (1), 15 of the Protection of Child from Sexual Offences Act, 2012 and under section 67(B) (b) of the Information Technology Act, 2000, in Crime No.722 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner has uploaded two porn videos relating to child on 05.05.2020 in Facebook. The case was registered on 13.05.2020 and the petitioner was arrested and remanded to judicial custody on 13.05.2020.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case and submitted that the petitioner is in judicial custody from 13.05.2020.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner has uploaded two porn videos relating to child on 05.05.2020 in Facebook. The case was registered on 13.05.2020 under Sections 13, 14 (1), 15 of the Protection of Child from Sexual Offences Act, 2012 and under section 67(B) (b) of the Information Technology Act, 2000 and the petitioner was arrested and remanded to judicial custody on 13.05.2020.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsel and also taking note of the fact that the petitioner is in incarceration from 13.05.2020, this Court is inclined to grant bail to the petitioner, subject to the following condition:

(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 residing in the local area for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Sessions Magistrate, Magalir Neethimandram, Tiruppur District, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, 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 daily at 10.30 a.m. until further orders.

(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/-
17/07/2020

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 SESSIONS MAGISTRATE,
MAGALIR NEETHIMANDRAM, TIRUPPUR DISTRICT.

2 THE SUPERINTENDENT
CENTRAL PRISON, COIMBATORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UTHUKULI POLICE STATION,
TIRUPPUR DISTRICT.

CC to M/S. S.KAITHAMALAI KUMARAN Advocate on payment of
necessary charges

CRL OP.10754/2020

Date :17/07/2020

TA-25/08/2020

WEB COPY