

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2020

CORAM :

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

Crl.O.P.No.11677 of 2020

Baskar

... Petitioner

Vs.

State represented by the
Inspector of Police
ALL WOMEN POLICE STATION
North Police Station,
Tiruppur District.
Crime No.11 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.11 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Franklin

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 16.05.2020 for the offence punishable under Section 9(m) read with 10 of POCSO Act in Crime No.11 of 2020 seeks bail.

2. The case of the prosecution as per the defacto complainant Venkatesan is that on 15.05.2020 at about 8.00 p.m., the petitioner has misbehaved with his minor daughter aged 10 years. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case due to enmity between the petitioner and the defacto complainant. He would further submit that the petitioner has been suffering incarceration for 82 days from 16.05.2020. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner is aged 39 years and he is the neighbor of the defacto complainant. While so, on 15.05.2020, he had misbehaved with the minor daughter of the defacto complainant who is aged 10 years. He further submit that the investigation has been completed and final

report has been filed and the same has been taken on file in Spl.S.C.No.38 of 2020 on the file of the Mahila Court, Tiruppur, and the case stands posted to 20.08.2020.

6.Taking into consideration of the facts and circumstances and the fact that the investigation has been completed and final report has been filed and the same has been taken on file in Spl.S.C.No.38 of 2020 on the file of the Mahila Court, Tiruppur, 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 condition to execute 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) each, before the Magalir Neethimandram, Tiruppur, 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 05.30 p.m. until further orders. If lockdown is not lifted, the petitioner shall make his appearance before the trial Court on 20.08.2020 through Video conference without fail.

[e] During lockdown period, the petitioner shall make his appearance before the trial Court on all hearing dates through his Counsel through Video Conference and thereafter, shall appear before the trial Court on all hearing dates without fail.

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

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

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

(i) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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

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

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

-sd/-

05/08/2020

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 MAGALIR NEETHIMANDRAM,
TIRUPPUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION
NORTH POLICE STATION,

TIRUPPUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S.J.FRANKLIN Advocate on payment of necessary charges

CRL OP.11677/2020

Date :05/08/2020

RVR 11/09/2020