

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :16.10.2020

CORAM :

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

CrI.O.P.No.14227 of 2020

Loganathan

... Petitioner

Vs.

The State Rep. by
The Sub-Inspector of Police,
Polur-All Women Police Station,
Polur, Thiruvannamalai District.
(Crime No. 5 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.5 of 2020, pending investigation on the file of the respondent police.

For Petitioner : Mr.E.Sathiyaraj

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The Petitioner seeks bail in respect of Crime No.5 of 2020 registered against him for the offences punishable under Sections 376 (1) of IPC and r/w Section 4 and 6 of Protection of Children from Sexual Offences Act, 2012 on the file of the respondent police.

2. Today when the matter is taken up for hearing, learned counsel for the petitioner submitted that the petitioner had been granted interim bail by this Court on 16.09.2020 with some conditions. He further submitted that in compliance of the order, the petitioner had taken the D.D. in D.D.No.409707 dated 29.09.2020, the State Bank of India, Polur Branch, in favour of the defacto complainant and the same was handed over by the respondent police to the defacto complainant.

3. Taking into consideration of the facts and circumstances of the case, the interim bail granted by this Court vide order dated 16.09.2020 is hereby made absolute subject to the following conditions:

(a) Accordingly, the petitioner is directed to surrender on condition to execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Special Judge, (FAC), Special Court for trial of Cases Under Pocso Act, Tiruvannamalai, failing

which, the bail granted by this Court shall stand dismissed automatically;

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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

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

(g) 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];

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

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

-sd/-

16/10/2020

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 JUDGE[FAC]
SPECIAL COURT FOR TRIAL OF CASES
UNDER POCSO ACT, THIRUVANNAMALAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

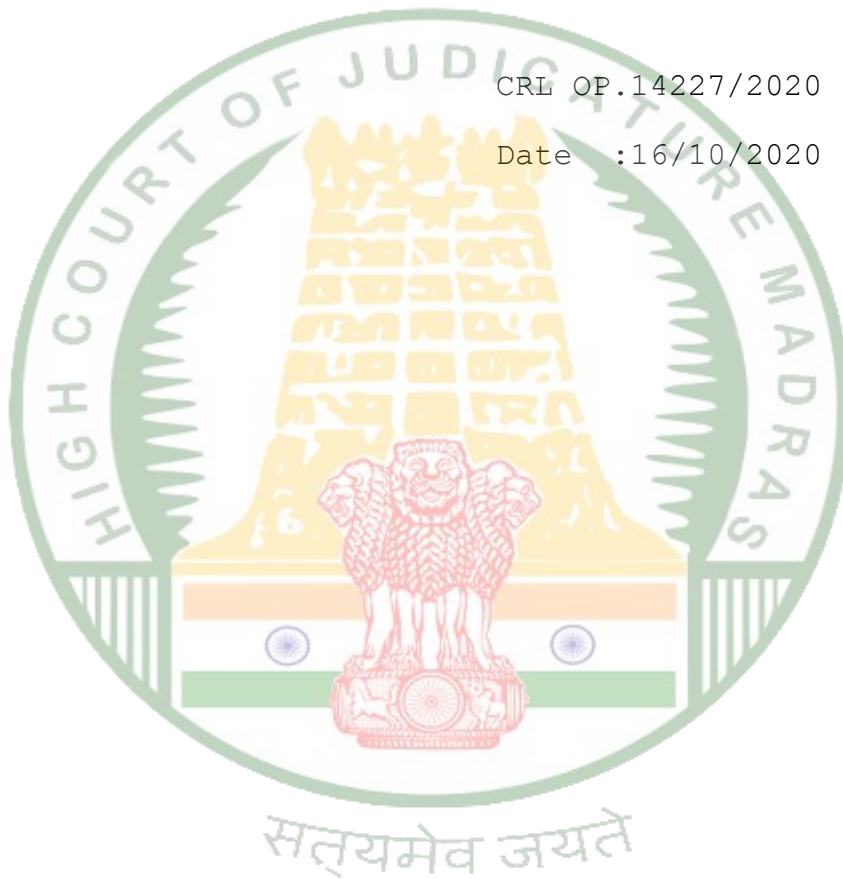
4 THE SUB - INSPECTOR OF POLICE,
POLUR - ALL WOMEN POLICE STATION,
POLUR, TIRUVANNAMALAI DISTRICT.

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

CRL OP.14227/2020

Date :16/10/2020

RVR 19/10/2020



WEB COPY