

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.10.2020

CORAM :

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

CRL.O.P.No.15375 of 2020

Ashok Kumar

... Petitioner

Vs.

The State Rep by its,
Inspector of Police,
Anupparpalayam Police Station,
Thiruppur City.
(Crime No.3204/2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.3204 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.M.Shreedhar

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 25.08.2020 for the offence punishable under **Sections 7 read with 8 of POSCO Act and Sections 294(b), 506(ii) of IPC, in Crime No.3204 of 2020** on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant / the mother of the victim girl is that on 09.08.2020 while her minor daughter was coming out of the bath room, the petitioner misbehaved with her by inappropriately touching her. Further, he had taken private videos of the victim girl while she was taking bath and threatened her to upload the same in the social media.

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. He would submit that infact the petitioner was having love affair with the victim girl. Since, the petitioner belongs to different religion, it was objected by the parents of the victim girl following which, a false complaint has been given

against the petitioner as if, he misbehaved with the victim and also threatened her to upload her private videos in the social media. He would further submit that the petitioner was arrested and remanded to judicial custody on 25.08.2020 and he has been suffering incarceration for more than 40 days and that the investigation has been completed and the final report has also been filed. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner misbehaved with the victim girl while she was coming out from the bath room by touching her inappropriately and also threatened her to upload her private videos in the social media. He would further submit that the investigation has been completed, the final report has been filed and the same has been taken cognizance in S.S.C.No.65 of 2020 and the next hearing is on 29.10.2020.

5.Heard the learned counsels. Perused the F.I.R. as well as the statement of the victim girl recorded under Section 164 Cr.P.C.

6.Taking into consideration of the facts and circumstance of the case and the submissions made by the learned counsels and the fact that the investigation has been completed, final report has been filed and the case has been taken on file in S.S.C.No.65 of 2020 and also taking into consideration the period of incarceration suffered by the petitioner, 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 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 Session Mahila Judge, Fast Track Court, Tiruppur**, and on further conditions that:

(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 on his release from prison shall stay at Tiruppur and report before the Tiruppur Town Police Station everyday at 10.30 a.m. until further orders. The petitioner shall appear before the trial Court on the dates fixed by the trial Court. The petitioner shall not enter into the jurisdictional limits of the respondent police till the examination of the victim is completed by the Trial Court.

(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.

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

-sd/-

13/10/2020

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 SESSIONS MAHILA JUDGE, FAST TRACK COURT,
TIRUPPUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ANUPPARPALAYAM POLICE STATION,
TIRUPUR CITY.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE OFFICER INCHARGE,
TIRUPPUR TOWN POLICE STATION,
TIRUPPUR.

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

CRL OP.15375/2020

Date :13/10/2020

TA-14/10/2020