

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE V.SIVAGNANAM

CRL.O.P.No.20992 of 2020

Vedi @ Vediappan

... Petitioner

Vs.

State By,
The Inspector of Police,
All Women Police Station,
Thiruvannamalai District.
(Crime No.28 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.28 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.S.Silambu Selvan

For Respondent : Mr.L.Charles Premkumar,
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 11.11.2020 for the offence punishable under Sections 363, 366(A), 376 (@) (n), 506(i) of IPC and Section 3(a), 4 and 5 (1), r/w 6 and 17 of POCSO Act, 2012 in Crime No.28 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the *de facto* complainant viz., Priya, is that the A1 in this case had forcibly abducted the defacto complainant and physically abused her on several occasions. The petitioner is arrayed as A6 in this case and that the allegation against the petitioner/A6 is that he allowed the victim girl and A1 to stay in his house. 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. He would further submit that the petitioner has no previous case pending against him and he has been suffering

incarceration from 11.11.2020. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioner is arrayed as A6 in this case and that the allegation against the petitioner/A6 is that he allowed the victim girl and A1 to stay in his house.

5. Heard the learned counsel on either side. Perused the FIR and other materials placed on record.

6. Overall consideration of the facts, the nature of accusation, the nature of offences, the materials in support of the accusation and the circumstances of the case and the period of detention of the petitioner in the judicial custody, 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the Special Court of Exclusive Trail of Cases under POCSO Act, Thiruvannamalai, 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 shall appear before the respondent police every day 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.

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

-sd/-
30/12/2020

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 OF EXCLUSIVE
TRAIL OF CASES UNDER POCSO ACT,
THIRUVANNAMALAI.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVANNAMALAI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE,
SUB JAIL, THIRUVANNAMALAI,
ERODE.

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

CRL OP.20992/2020

Date :30/12/2020

MN-31/12/2020

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