



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/02/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.3060 of 2020

Z.Jawahar Ali

... Petitioner/Accused

Vs

State rep.by
The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
Crime No.60 of 2020

... Respondent/Complainant

For Petitioner : M/s.S.Suresh Manickam, Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For bail in Crime No.60 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 10.02.2020 for the offences under Sections 67B of Information Technology Act r/w. Section 14(1) of Protection of Child from Sexual Offences Act in Crime No.60 of 2020 on the file of the respondent police. Hence, he seeks bail.

3. The petitioner is said to have downloaded the child pornographic contents in his mobile.

4. The petitioner's counsel points out that Section 14(1) of Protection of Child from Sexual Offences Act will be attracted only if the offender uses a child or children for pornographic purposes. Merely watching a child pornographic content by itself will not attract the aforesaid provision.



5. In view of the above, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall 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 Sessions Court, Special Court for POCSO Act Cases, Thirunelveli.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) on breach of any of the aforesaid conditions, the learned 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].

sd/-
20/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES, TIRUNELVELI.
2. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
3. THE INSPECTOR OF POLICE,
KALAKKAD POLICE STATION, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SURESH MANICKAM, Advocate (SR-3616[I] dated 20/02/2020)

ORDER
IN
CRL OP(MD) No.3060 of 2020
Date :20/02/2020

MS/VR/SAR-2/20.02.2020/2P.6C