



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.4224 of 2021

T.Natarajan

... Petitioner

Vs.

State, Rep. by
The Inspector of Police,
W-13 All Women Police Station
Old Washermenpet
Chennai-600 021.

... 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, on the file of the Respondent.

For Petitioner : Mr.J.Venkatesa Perumal

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 20.02.2020 for the offence punishable under Section 12 of POCSO Act, in Crime No.5 of 2020, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the petitioner is a panipoori vendor, aged 63 years. The four victim girls are school going children aged 8 years and 11 years respectively. The petitioner has sexually harassed them by exhibiting his private part. Based on the complaint given by the parents of the victim girl, the petitioner was arrested and remanded to judicial custody on 20.02.2020.

3. The learned counsel for the petitioner would submit that the case was registered in the year 2020 and the petitioner is in judicial custody for more than a year. He would further submit that investigation is also over. He would further submit that the punishment for the offence under Section 12 of POCSO is 3 years. Hence, he seeks bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the petitioner who is aged 63 years sexually harassed the four minor victim girls, aged 8 and 11 years respectively. She would further submit that investigation is over and the matter is pending in S.C No.60 of 2020. Hence, she strongly opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the investigation is over and the matter is pending for trial and also considering 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 XV Metropolitan Magistrate, George Town, Chennai, 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 POCSO Court, Chennai, on all hearing dates, 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 is ordered.

-sd/-
12/03/2021

WEB COPY

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 XV METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE[FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W-13, ALL WOMEN POLICE STATION,
OLDWASHERMENPET, CHENNAI-600 021.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.J.VENKATESA PERUMAL Advocate on payment of
necessary charges SR NO. 3256

CRL OP.4224/2021

Date :12/03/2021

MN-15/03/2021