

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4784 of 2021

Muniamuthu

... Petitioner

Vs.

State Rep. by

The Inspector of Police,
Pollachi Bazzar Police Station,
Coimbatore Dt.

(Crime No.1312 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.1312 of 2020 on the file of respondent police.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : Mrs.M. Prabavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 11.12.2020 for the offence punishable under Section 366 of I.P.C. and Section 5(1) r/w 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No.1312 of 2020, seeks bail.

2. Today, when the matter taken up for hearing, the learned counsel appearing for petitioner would submit that the petitioner was in judicial custody for more than 90 days. So far, the final report was not filed by the respondent. Hence, the petitioner is entitled for statutory bail.

3. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is almost completed and the respondent police going to file the final report tomorrow.

4. Taking into consideration of the fact that, the petitioner was arrested on 11.12.2020 and he is in judicial custody for more than 90 days, admittedly, so far, no final report has been filed. In the said circumstances, the petitioner is entitled for statutory bail under Sec.167(2) of Cr.P.C. 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 Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore 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 report before the respondent police as and when required for interrogation;

(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.

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

-sd/-

16/03/2021

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 FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

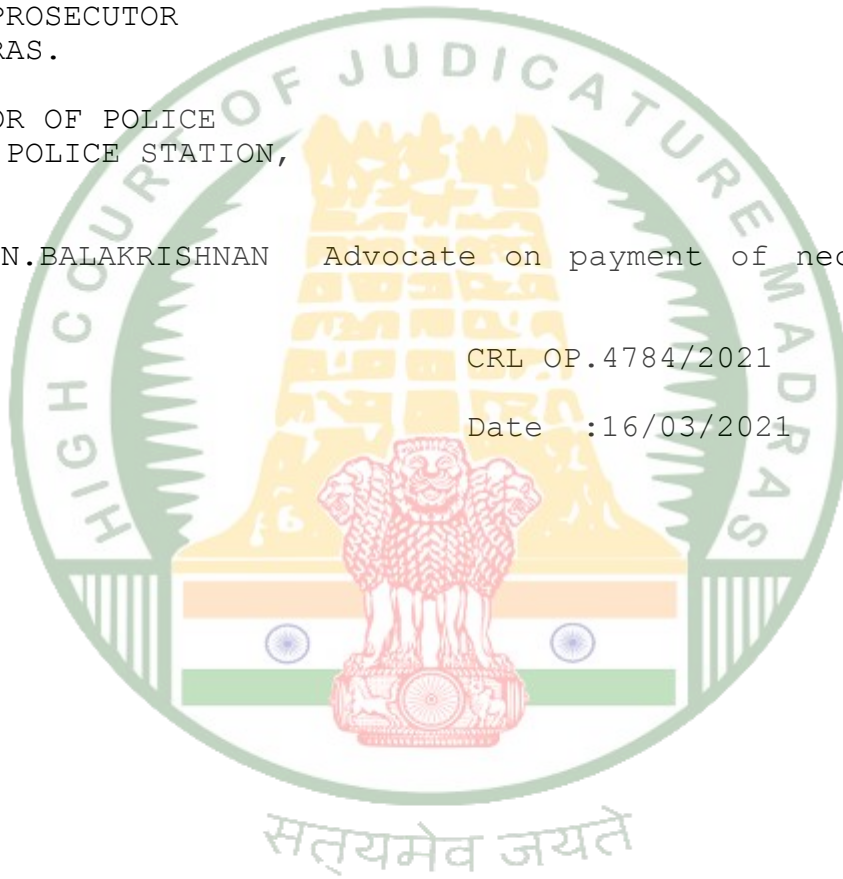
4 THE INSPECTOR OF POLICE
POLLACHI BAZZAR POLICE STATION,
COIMBATORE

CC to M.N.BALAKRISHNAN Advocate on payment of necessary
charges

CRL OP.4784/2021

Date :16/03/2021

MK:17/03/2021



WEB COPY