

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5047 of 2021

Thangael

... Petitioner

Vs.

State rep. by

The Inspector of Police,
All Women Police Station,
Gingee, Villupuram Dt.
(Crime No.1 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1 of 2021 on the file of Respondent police.

For Petitioner : Mr.D.Bennington

For Respondent : Mr.M.Prabhavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner is a sole accused. The petitioner, who was arrested and remanded to judicial custody on 13.01.2021 for the offence punishable under Sections 294(b), 354(A), 354(D), 506(i), 201 of I.P.C. and under Section 11(1), 12 of POCSO Act and Section 67(B) of Information Technology Act in Crime No.1 of 2021 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner in the guise of conducting online class send obscene videos to the daughter of defacto complainant and when the defacto complainant questioned the same, he has criminally intimidated him. Hence, a criminal case has been registered against the petitioner, and he was arrested and remanded to judicial custody on 13.01.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioner would submit that he is no way connected with the occurrence and he has been falsely implicated in this case. He would submit that, he is a known person to the defacto complainant and there is no occasion to make a video call to a minor girl. He would submit that he is in jail for more than two months. Hence, he prayed to grant bail to the

4. The learned Additional Public Prosecutor appearing for the respondent would oppose this petition on the ground that the petitioner was known to the defacto complainant and on the guise of online NEET coaching classes, he has sent obscene videos regularly. She would submit that when the same was questioned by the parents, he has criminally intimidated him. She would submit that the investigation is almost completed and there is no bad antecedents against the petitioner, and the petitioner is in jail for more than two months. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that now the investigation is almost completed and also considering the period of incarceration suffered by the petitioner nearly two months, 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 Special Judge for Exclusive Trial of cases under POCSO Act, Villupuram 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, after his release from prison, shall report before the respondent police daily 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 55601;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
17/03/2021

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 JUDGE FOR EXCLUSIVE
TRIAL OF CASES UNDER POCSO ACT,
VILLUPURAM.

2 THE SUPERINTENDENT,
DISTRICT PRISON, VILLUPURAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GINGEE, VILLUPURAM DISTRICT.

+1CC to M/S.D.BENNINGTON Advocate on payment of necessary
charges SR NO.3515

MK:18/03/2021

CRL OP.5047/2021

Date :17/03/2021