

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.04.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.5771 of 2021

Ameer Najmul Hussain

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Virudhachalam Railway Police Station,
Cuddalore
(Crime No. 10 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.10 of 2021 pending on the file of the Respondent.

For Petitioner : Mr.M. Selvam

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 15.02.2021 for the alleged offence under Sections 7 and 8 of POSCO Act in Crime No.10 of 2021, seeks bail.

2.The case of the prosecution is that the petitioner is said to have misbehaved with the victim girl and sexually assaulted her, when she was travelling in the train. Based on the complaint given by the mother of the victim girl the case came to be registered.

3. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. He would further submit that the petitioner has been in judicial custody for more than 50 days. Hence he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor fairly submits that there are prevarications in the statement of the victim girl. However, she further submits that investigation is still pending and, therefore, she vehemently opposed grant of bail to the petitioner.

5. Taking into consideration the narrative made in the FIR and also considering the fair submission of the learned Addl. Public Prosecutor that there are prevarications in the statement made by the victim girl, and also considering the period of incarceration of the petitioner, I am inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Special Court (POSCO Court) Cuddalore and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]**; and;

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

-sd/-

07/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL COURT (POSCO COURT)
CUDDALORE.

2 THE PUBLIC PROSECUTOR
<https://hcservices.ecourts.gov.in/hcservices/>
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VIRUDHACHALAM RAILWAY POLICE STATION,
CUDDALORE.

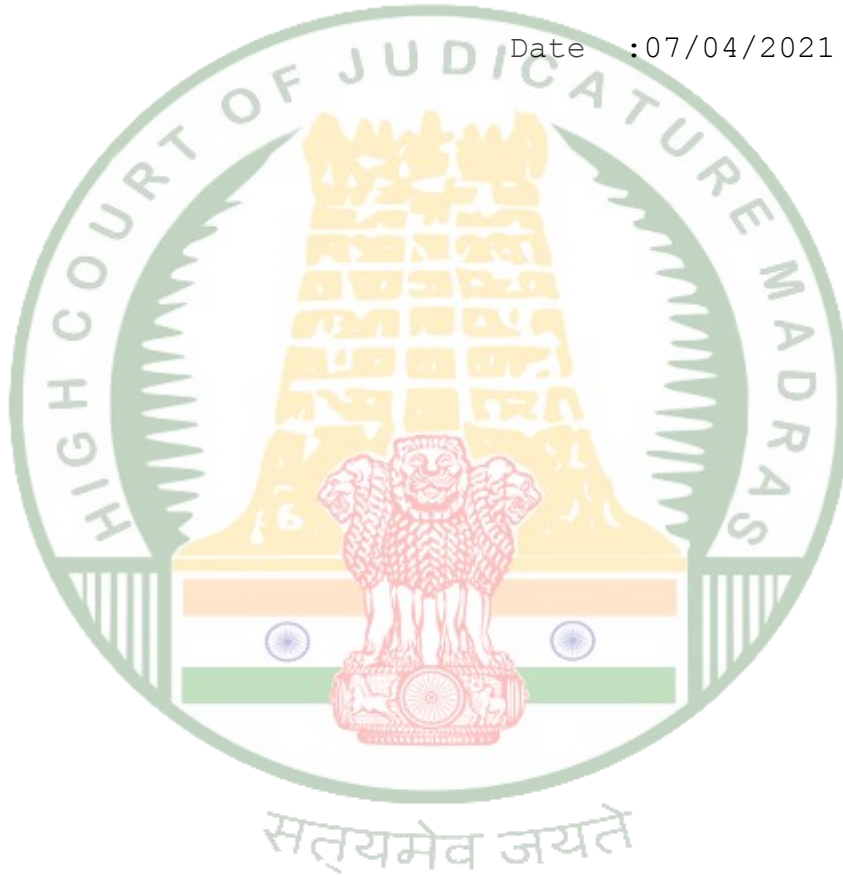
4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

+1 CC to M/S.M.SELVAM Advocate on payment of necessary charges
SR.NO.4521

CRL OP.5771/2021

Date :07/04/2021

TA-08/04/2021



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