

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.6537 of 2020

V.Raja Siva Sundar

... Petitioner

Vs.

State rep. by
The Inspector of Police, (L&O),
H-1 Washermanpet Police Station,
Chennai-21
(Crime No.14 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.14 of 2020 on the file of Respondent police.

For Petitioner : Mr.V.Parthiban

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 06.01.2020 for the offence punishable under Sections 11(2), 12, 14 (1), 15 and 18 of Protection of Child from Sexual Offences Act, 2012 read with Section 385 of I.P.C. in Crime No.14 of 2020 on the file of respondent police, seeks bail.

2. The case of the prosecution is that the victim is a minor, 14 years old, studying in IX Std. The petitioner has be-friended the minor girl through mobile phone and also asked her to send nude photograph and she had also sent such photograph. Thereafter, the petitioner said to have threatened the victim and also demanded money. Hence, based on the complaint given by the brother of victim girl, a criminal case has been registered against the petitioner. Earlier, the petitioner was arrested on 06.01.2020 and subsequently, this Court has granted interim bail on 08.04.2020 till 30.04.2020. Thereafter, now the matter is listed for hearing.

3. Today, when the matter taken up for hearing, the learned Additional Public Prosecutor appearing for the respondent would submit that now the investigation is over and the entire photographs and

mobile phone have been seized by the police. She would also submit that the respondent are going to file a final report.

4. Taking into consideration of the fact that the petitioner was already released on interim bail from 08.04.2020, and the investigation is almost completed, 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, after 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.

7. 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

TO

1 THE XV METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI.

2 THE CHEIF METRTOPOLITAN MAGISTRATE,
EGMORE[FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE (L & O),
H-1, WASHERMENPET POLICE STATION,
CHENNAI.

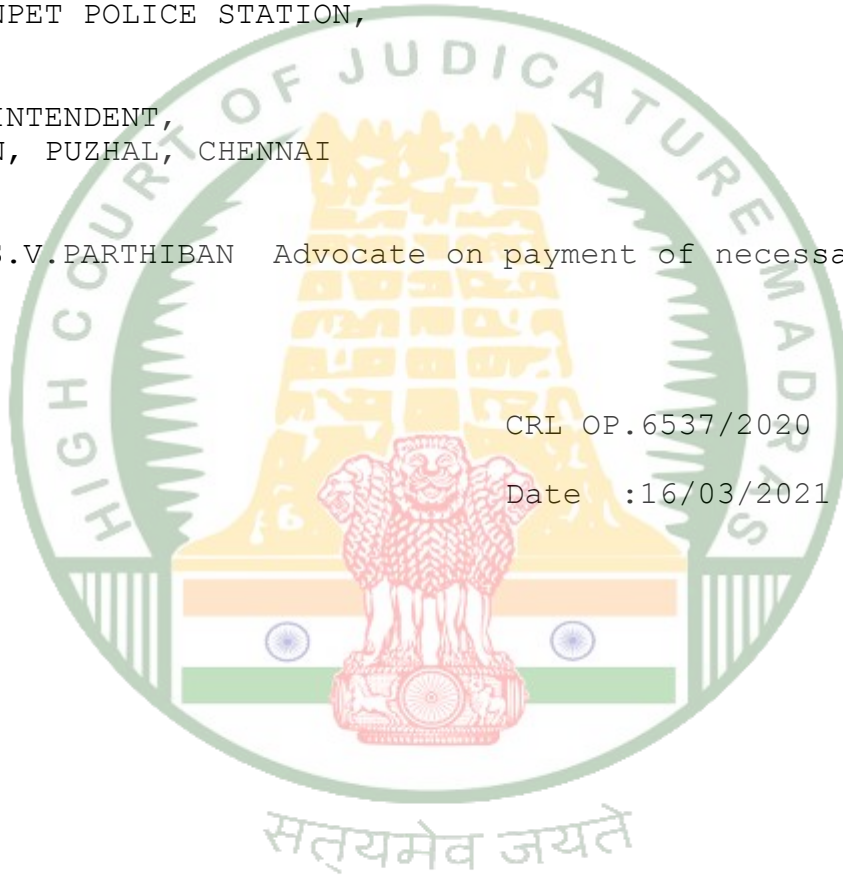
5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

CC to M/S.V.PARTHIBAN Advocate on payment of necessary charges

CRL OP.6537/2020

Date :16/03/2021

MN-17/03/2021



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