

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.04.2021

CORAM

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

Crl.O.P.No.6627 of 2021

Aravind

... Petitioner

Vs.

The State Represented by :-
Inspector of Police,
Kadathur Police Station,
Erode District.
Crime No.78/2021

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., praying to enlarge the petitioner on bail in Crime No.78 of 2021 on the file of the respondent police.

For Petitioner : Mr.N.Chinnaraj

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

(The case has been heard through video conferencing)

The petitioner who was arrested on 28.02.2021 for the offences under Section 11(1), 12 of POCSO Act, 2021 and Section 506(i) I.P.C. in

Cr.No.78 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner is the relative of the victim girl. On 24.02.2021, when the victim girl was alone in her house, the petitioner entered into her house and misbehaved with her. Thereby, the law enforcing agency registered a case against the petitioner/accused.

3.The learned counsel appearing for the petitioner submits that the petitioner and the defacto complainant are close relatives. The petitioner is innocent and he has not committed any offence as alleged by the prosecution. Hence, the learned counsel prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor fairly conceded that the petitioner, is already got married, but still has misbehaved with the victim, who is aged about 15 years, and therefore, she opposed grant of bail to the petitioner.

5.Considering the fact that the parties are relatives and that the petitioner has misbehaved with the victim and no serious crime of physical

contact having been committed and further the petitioner has been in prison for more than 30 days, 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 Judge, Mahila Court, Erode 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;

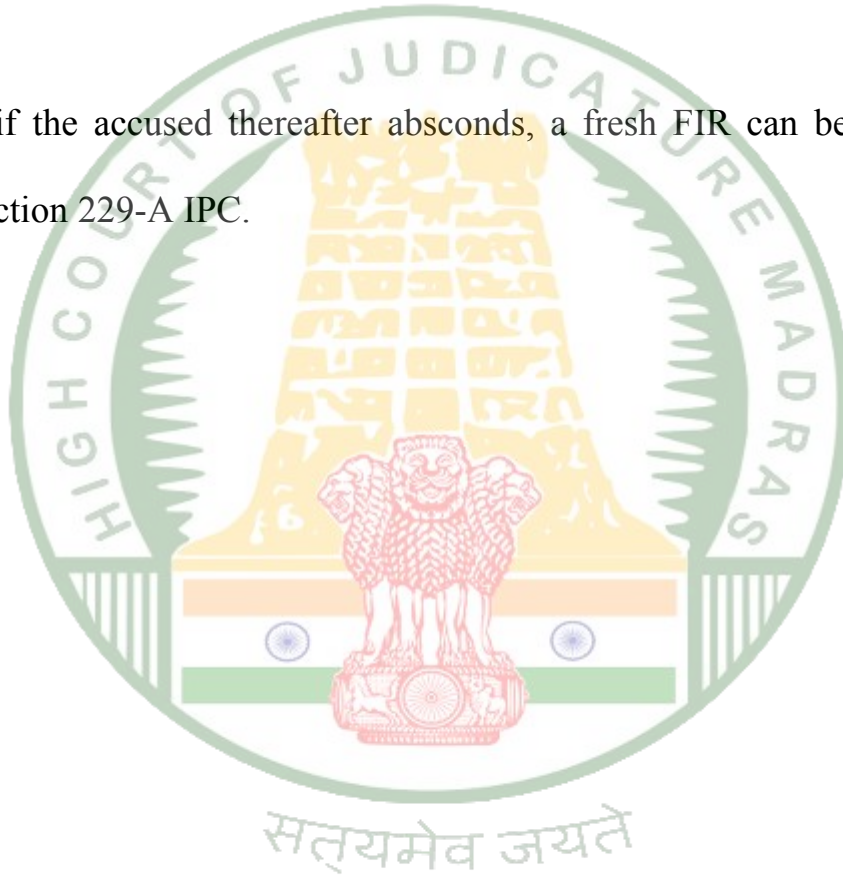
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed

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.

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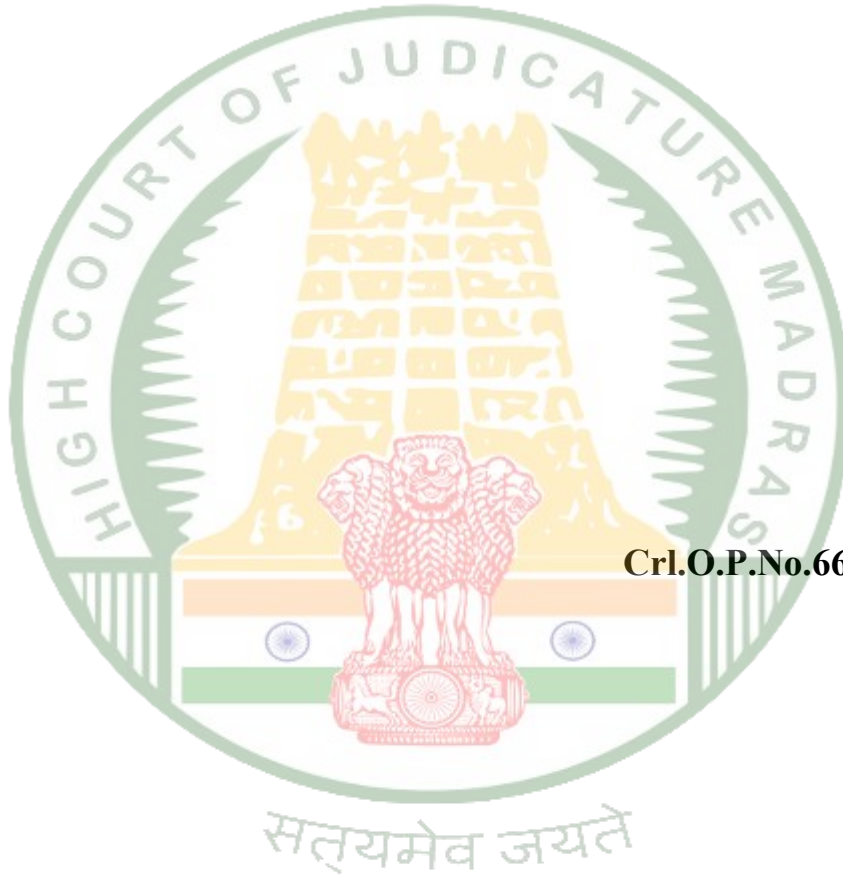
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M.DHANDAPANI,J.

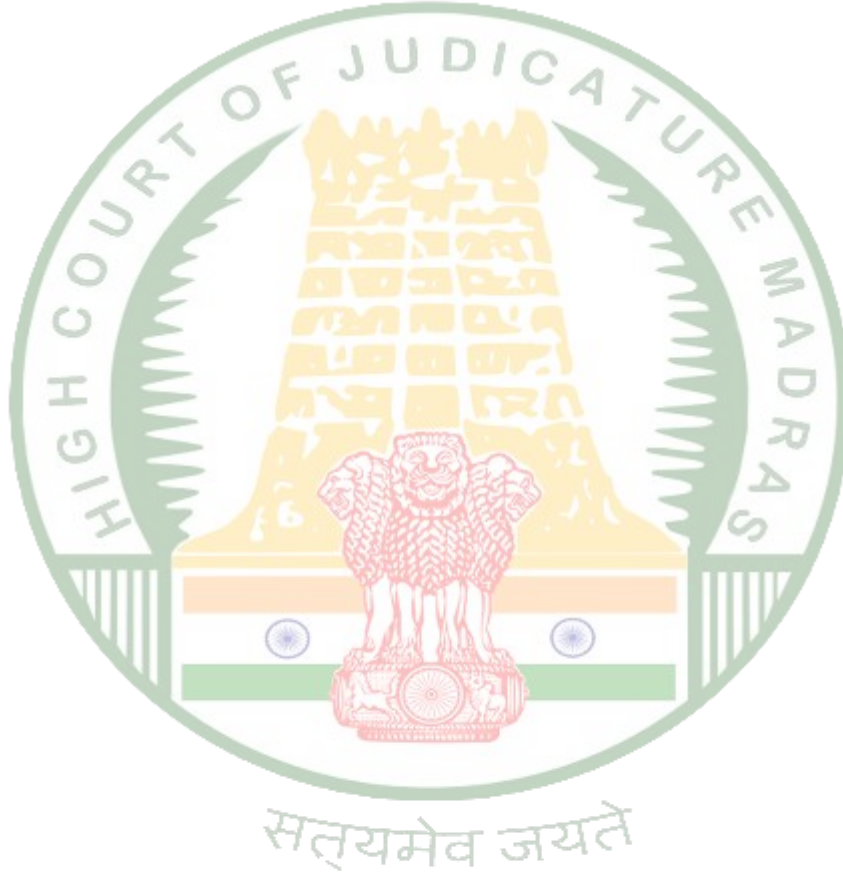
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