

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.6932 of 2020

Abdul Raheem

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
W12, Harbor All Women Police Station,
Chennai.(Crime No.2 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.2 of 2020 on the file of respondent police.

For Petitioner : Mr.I.Sidharthan

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

O R D E R

(The case has been heard through video conference)

The petitioner is the sole accused. The petitioner, who was arrested and remanded to judicial custody on 07.02.2020 for the offence punishable under Sections 8 of POCSO Act, 2012, in Crime No.2 of 2020, seeks bail.

2. The case of the prosecution is that the victim girl was a minor and when she was walking along the road, the petitioner said to have sexually assaulted her. Hence, based on the complaint given by her parents, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 07.02.2020. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that earlier, this Court, considering the Covid-19 pandemic situation granted interim bail releasing the petitioner on execution of his own bond. He would submit that the investigation is over, the final report has also been filed, and the matter has been taken cognizance, pending in S.C.No.11 of 2021 on the file of Mahila Court, Chennai. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose this petition on the ground that earlier, by an order dated 26.03.2020, this Court has granted interim bail to the petitioner. She would also submit that the investigation is completed, final report has been filed and the matter is also taken cognizance, pending in S.C.No.11 of 2021. However, she opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case, investigation is over, final report has been filled, the interim bail already granted to the petitioner by this Court on 26.03.2020 and now, the matter is also taken cognizance, the Interim Bail is made absolute subject to the following conditions:

[a] Accordingly, the petitioner is directed to surrender 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 Offences under POCSO Act, 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 shall report before the Trial Court viz., Special Court for Exclusive Trial of Offences under POCSO Act, Chennai on all hearing dates 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 5560];

[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/-

22/02/2021

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 OFFENCES UNDER POCSO ACT,
CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI,
CHENNAI

4 THE INSPECTOR OF POLICE,
W12, HARBOR AWPS, CHENNAI.

CC to I.SIDHARTHAN Advocate on payment of necessary charges
SR.2033

CRL OP.6932/2020

Date :22/02/2021

RVR 23/02/2021

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