

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.7075 of 2021

Murali

... Petitioner

Vs.

State by

The Inspector of Police,
W-24, All Women Police Station,
Teynampet Police Station,
Chennai 600 018
(Crime No.1 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.1/2021 pending on the file of the Inspector of Police, W-24, All Women Police Station, Teynampet Police Station, Chennai 600 018.

For Petitioner : Mr.N.Palanivel

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 16.03.2021 and remanded to judicial custody for the offences under Section 8 of POCSO Act, 2012 in Cr.No.1 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the victim girl went to Pondy Bazar for purchasing and the petitioner touched the victim girl sexually. Based on the complaint given by the mother of the victim girl the law enforcing agency registered the complaint against the petitioner.

3. The learned counsel for the petitioner submits that petitioner and the victim girl are only friends and he has not committed any offence as alleged by the prosecution and the petitioner has been in jail from 16.03.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioner touched the victim girl sexually. She further submits that statements under section 164 of Cr.P.C has been recorded from the victim girl. She would further submit that investigation is almost completed.

5. I have heard the rival submissions and perused the 164 statements recorded from the victim girl.

6 . Taking into consideration the fact that the 164 statements recorded from the victim girl does not reveal that the petitioner has committed offence as alleged by the prosecution and also the fact that investigation is almost completed and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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 Special Court of POCSO Act, Chennai 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/-

16/04/2021

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 OF POCSO ACT
CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
W-24, ALL WOMEN POLICE STATION,
TEYNAMPET POLICE STATION,
CHENNAI-600 018.

4 THE OFFICER INCHARGE ,
SUB JAIL, SAIDAPET, CHENNAI

CC to M/S.N.PALANIVEL Advocate on payment of necessary charges
SR.NO.4831

CRL OP.7075/2021

सत्यमेव जयते Date :16/04/2021

rvr 17/04/2021

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