

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.9497 of 2021

Guhan

... Petitioner

Vs.

The State,
Rep. by The Inspector of Police,
W-15 All Women Police Station,
Royapuram,
Chennai-600 013.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner/accused on bail in Crime No.5 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.K.Bommuraj

For Respondent : Mr.E.Rajthilak
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 03.04.2021 and remanded to judicial custody for the offences under Sections 11(4), 11(5) and 12 of Protection of Children from Sexual Offences Act in Cr.No.5 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused taken video graph of the victim girl while she was doing her domestic work and he threatened the mother of the victim girl while she condemned his activities as he will release the video graph of the victim child. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that there was grudge between the petitioner's family and the defacto

complainant's family, due to which the defacto complainant foisted a false against the petitioner. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) vehemently opposed the grant of bail by stating that the petitioner had taken video graph of the victim girl while she was doing domestic work and threatened her that he would release the same. He further submits that the investigation is pending. Hence, he prays to dismiss the bail.

5. Taking into consideration of the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to to be released on bail subject to the following conditions:-

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) before the Superintendent of the Central Prison, Puzhal, Chennai, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for like sum to the satisfaction of the Special Court for POCSO Act, Chennai.

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four weeks therefrom before the concerned Magistrate for extension of time for executing the bond long with sureties and if any such application is filed, the concerned Session Judge shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated;

(d) the petitioner and 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;

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

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

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

(h) 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;

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

-sd/-
20/05/2021

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 POCSO ACT,
CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE, सत्यमेव जयते
W-15, ALL WOMEN POLICE STATION,
ROYAPURAM, CHENNAI-600 013

CC to M/S.K.BOMMURAJ Advocate on payment of necessary charges

CRL OP.9497/2021

Date :20/05/2021

cs 26/05/2021