

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.10368 of 2021

Chandrasekaran

... Petitioner

Vs.

State represented by its,
The Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District.
(Crime No.5 of 2021)

... Respondent

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

For Petitioner : Mr. M.N.. Balakrishnan

For Respondent : Mr.A. Gopinath
Government Advocate

ORDER

The petitioner who was arrested on 24.04.2021 and remanded to judicial custody for the offences under Sections 5(1), 6 of POCSO Act and Sections 9,10 and 11 of Protection of Child Marriage Act, 2006 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/A1 committed sexual assault on the minor victim girl. Hence, the Village Welfare Officer made the case against the petitioner.

3. The learned counsel for the petitioner submits that now the petitioner married the victim girl. He further submits that anticipatory bail was granted to the co-accused and the petitioner has been in jail from 24.04.2021, therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate(CrI side) opposed the bail application by stating that the petitioner sexually assaulted the victim girl. He further submits the investigation is almost completed.

5. Taking into consideration the fact that the co-accused persons have been granted anticipatory bail and the petitioner with consent married the victim girl and also considering the period of incarceration suffered by the petitioner and also considering the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner 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, Coimbatore, 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 learned Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

(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 week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate 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 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/-
15/06/2021

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 CASES UNDER POCSO ACT, COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POLLACHI,
COIMBATORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S M.N.BALAKRISHNAN Advocate on payment of necessary charges SR.NO.6504

CRL OP.10368/2021

Date :15/06/2021

TA-16/06/2021

WEB COPY