



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.12741 of 2021

B.Sree Valarampatel

... Petitioner

Vs.

The State represented by
The Inspector of Police,
W-10, All Women Police Station,
Flower Bazar, Chennai City.
Crime No.04 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to grant bail to the petitioner in Crime No.04 of 2021 on the
file of the respondent police.

For Petitioner : Mr.S.Sivakumar

For Respondent : Mr.A.Gopinath
Government Advocate(Crl. Side)

O R D E R

The petitioner who is arrested on 27.06.2021 for the offence
under Section 8 of the POCSO Act, 2012 in Crime No.04 of 2021, on the
file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner misbehaved
with the victim girl with sexual intention, while she went to
petitioner's house as volunteer of Covid-19 as a representative of
the Greater Corporation of Chennai. Hence she registered a case
before the law enforcing agency against the petitioner.

3.The learned counsel appearing for the petitioner submitted that
the petitioner has not committed any offence as alleged by the
prosecution and he has been falsely implicated in the case and he is
judicial custody from 27.06.2021. Hence he prays for grant of bail to
the petitioner.



4.The learned Government Advocate submitted that the petitioner misbehaved with the victim girl when she visited the house of the petitioner as a volunteer of Covid-19 as a representative of the Greater Corporation of Chennai. He would further submit that 164 statements of the victim girl was recorded and the investigation was almost completed. However he opposed for grant of bail to the petitioner.

5. I have considered the submissions made on either side and also perused the materials available on records carefully, including the 164 Cr.P.C. statement of the victim girl

6.Considering the said facts and circumstances of the case and investigation is almost over and 164 Cr.P.C statement of the victim girl was recorded, 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:

7.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 for Exclusive Trial of cases under POCSO Act, Chennai-104, 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 is directed to appear before the respondent police daily morning at 10.30 am 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

28/07/2021

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,
CHENNAI-104.

2 THE OFFICER INCHARGE, SUB JAIL,
SAIDAPET, CHENNAI- 600 015.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
W-10, ALL WOMEN POLICE STATION,
FLOWER BAZAR, CHENNAI

CC to M/S.S.SIVAKUMAR Advocate on payment of necessary charges
Sr.7816

CRL OP.12741/2021

Date :28/07/2021

RVR 29/07/2021