



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19165 of 2021

WEB COPY

M.G. Ashok

... Petitioner

Vs.

The State rep by its
The Inspector of Police,
All Women Police Station,
Madipakkam
(Crime No.4 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.4 of 2021 on the file of the respondent police.

For Petitioner : Mr.Labrar Mohamed Abdullah

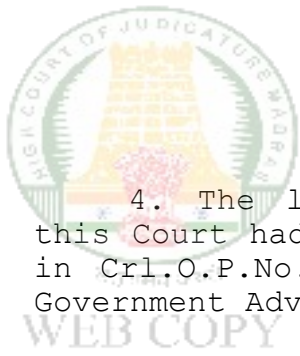
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 25.09.2021 and remanded to judicial custody for the offences under Sections 11(3) r/w 12 of POCSO Act and 294(b), 506(i) of I.P.C in Crime No.4 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the accused persons misbehaved with the victim girl. Due to previous enmity the petitioner came to the house of the defcto complainant and abused the daughter of the defacto complainant by showing obscene photos to the victim girl which lead to the filing of the present complaint.

3. The learned counsel for the petitioner submitted that the petitioner believing the information given by the client proceeded the case and he was not aware of the suppression of the facts made by his client, that apart he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been jail from 25.09.2021. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submitted that this Court had dismissed anticipatory bail to the said Veera Bharthi in Crl.O.P.No.15185 of 2021 dated 20.09.2021. Hence, the learned Government Advocate has opposed to grant bail to the petitioner.

5. Considering the facts of the case, it is clear that there is no serious allegation against the petitioner apart from that the petitioner has appeared for his client and further considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain 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, each for a like sum to the satisfaction of Special Court of POCSO at Chengalpattu 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.

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-sd/-
08/10/2021

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
AT CHENGALPATTU.

2 THE SUPERINTENDENT,
SUB-JAIL, POONAMALLEE.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADIPAKKAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S. I.ABRAR MOHAMED ABDULLAH Advocate on payment of
necessary charges SR.NO.11253

CRL OP.19165/2021

Date :08/10/2021

MK:08/10/2021