



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21056 of 2021

V.Mani

.. Petitioner

Vs.

State, Rep.by
The Inspector of Police,
All Women Police Station,
Perambalur,
Perambalur District.
(Crime No.13 of 2020)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to release the petitioner on bail, pending trial of the case in Crime No.13 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.M.Vijaya Ragavan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 23.06.2020 for the offences under Sections 3 r/w 4(2) of POCSO Act, 2012 in Crime No.13 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.06.2020, the petitioner/accused said to have taken the victim girl, who is aged about 13 years and misbehaved with her. When the defacto complainant went in search of cow, heard the cry of the victim girl, she questioned the attitude of the accused and rescued the victim girl. Hence, the complaint.



3. The learned counsel for the petitioner submits that the petitioner and the defacto complainant are belong to the same village and due to previous enmity, a false case has been implicated against him. He further submits that the petitioner is facing trial in Spl.S.C.No.37 of 2020 on the file of the Mahila Court, Perambalur and so far nine witnesses were already been examined and remaining witnesses are yet to be examined. He further submits that the petitioner's earlier bail petitions were dismissed by this Court in Crl.OP.Nos.6185, 8960 and 13287 of 2021 dated 29.03.2021, 14.06.2021 and 03.08.2021 respectively. He further submits that the petitioner has been suffering incarceration for more than a year from 23.06.2021. He further submits that there is no previous case against the petitioner. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that PW1 was already examined and so far nine witnesses were examined before the trial court and remaining 7 witnesses have to be examined. He further submits that there is no previous case pending against the petitioner.

5. Considering the period of incarceration suffered by the petitioner and also considering the submissions made by both counsel and also the fact that there is no previous case against 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 the learned Mahila Court, Perambalur 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 report before the respondent police daily at 10.30 a.m until further orders and till the disposal of the case, the petitioner shall not have any communication with the victim girl and her family ;

(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/-

12/11/2021

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 SESSIONS JUDGE,
MAHILA COURT, PERAMBALUR.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PERAMBALUR.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S. M.VIJAYA RAGAVAN Advocate on payment of necessary charges

CRL OP.21056/2021

Date :12/11/2021

INBA-15/11/2021