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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19885 of 2021

Abdul Muthalif

... Petitioner

Vs.

State rep by
Inspector of Police,
Peralam Police Station,
Tiruvarur District.
(Crime No.886 of 2021)

... 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.886 of 2021 pending on the file of the Inspector of Police, Peralam Police Station, Tiruvarur District.

For Petitioner : Mr.G.Mohammed Aseef

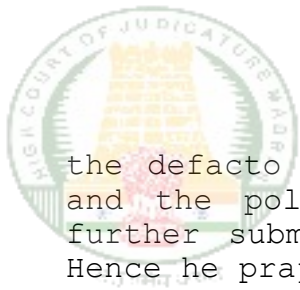
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 10.08.2021 and remanded to judicial custody for the offences under Sections 3(b), 4, 9(1) read with 10 of Protection of Children Sexual Offence Act 2012 in Crime No.886 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner misbehaved with 15 years old minor boys. Based on the complaint given by the one of the father of the victim boy, the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he is no way connected with the alleged offences and he has been falsely implicated in this case. He further submits that due to previous enmity existed between family of



the defacto complainant and accused, a false complaint was preferred and the police had registered the case without any enquiry. He further submits that the petitioner has been jail from 10.08.2021. Hence he prays for grant of bail to the petitioner.

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4. The learned Government Advocate (Crl.Side) submits that the statement of the victim under Section 164 Cr.P.C has been recorded, in which, one of the victim boy stated that the petitioner induced the victim boys for homosexual relationship and threatened the victim boys not to tell the incident to any one. Hence, he vehemently opposed for grant of bail to the petitioner.

5. This Court is of the view that on perusal of the 164 statement, there is no serious allegations against the petitioner 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 the learned Fast Track Mahila Court, Tiruvarur, 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/-
26/10/2021

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 FAST TRACK MAHILA COURT,
TIRUVARUR.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, NAGAPATTINAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERALAM POLICE STATION,
TIRUVARUR DISTRICT.

+1 CC to M/S. G.MOHAMMED ASEEF Advocate on payment of necessary charges SR.NO.11838

CRL OP.19885/2021

Date :26/10/2021

RW 27/10/2021