



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.20742 of 2021

Ramachandiran

... Petitioner

Vs.

The State Rep by its
The Inspector of Police
Chidambaram Town Police Station,
Cuddalore District.
Crime No.747 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No. 747 of 2021 on the file of the respondent police.

For Petitioner : Mr.T.Gobinath

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

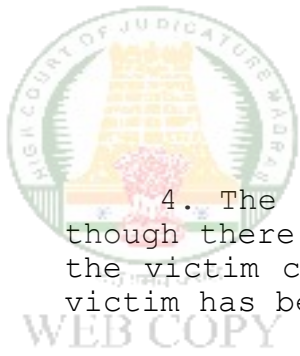
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 24.08.2021 for the offences under Sections 11(1), 12 of POCSO Act 2012, in Crime No.747 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl is a school going child and she used to go for tuition class regularly in the morning between 6.00 a.m to 7.00 a.m. While so, the petitioner by standing near a tea shop, removed his lungi and showed his private part to the victim girl and continued to do the same on regular basis. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and he would further submit that the petitioner is aged 48 years and he has been suffering incarceration for more than 75 days from 24.08.2021. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate raised objection stating that though there is no physical contact, the petitioner mentally harassed the victim child who is aged about 15 years and the statement of the victim has been recorded under Section 164 Cr.P.C.

5. Considering the period of incarceration undergone by the petitioner and the fact that the investigation is almost completed, 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 Sessions Judge, Special Court for Exclusive Trial of Cases Under POCSO Act, Cuddalore, and on further conditions 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.

-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
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, CUDDALORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
CHIDAMBARAM TOWN POLICE STATION,
CUDDALORE DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

+1 CC to M/S.T.GOBINATH Advocate on payment of necessary charges
SR.No.12682

CRL OP.20742/2021

Date :12/11/2021

APN 15/11/2021