



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2021

CORAM:

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

CrI.O.P.No.21419 of 2021

Chithambaram

...Petitioner

Vs.

State by,
The Inspector of Police,
Tiruppur South AWPS,
Tiruppur City.
Crime No.17 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in the Crime No. 17 of 2021 pending on file of the Inspector of Police.

For Petitioner : Mr.J.Franklin

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 08.10.2021 for the offences under Sections 9(m) and 10 of POCSO Act 2012, in Crime No.17 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner is running a Grocery Shop. The victim girl went to the Grocery shop of the petitioner along with a child aged about 1 ½ years. At that time, the petitioner under the guise of taking the child, touched the victim girl. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has been suffering incarceration for more than 45 days from 08.10.2021 and the petitioner is ready to abide any stringent condition imposed by this court. Hence, he seeks for grant of bail to the petitioner



4. The learned Government Advocate (Crl. Side) raised objection stating that the statement of the victim girl has been recorded under Section 164 Cr.P.C and the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that the investigation is almost completed and also considering the period of incarceration undergone 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 Session Judge Magalir Neethimandram (Fast Track Mahila Court), Tiruppur, 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 on every Saturday 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/-
24/11/2021

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.



1 THE SESSION JUDGE MAGALIR NEETHIMANDRAM
(FAST TRACK MAHILA COURT), TIRUPPUR.

2 THE INSPECTOR OF POLICE,
TIRUPPUR SOUTH AWPS,
TIRUPUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. J.FRANKLIN Advocate on payment of necessary charges

CRL OP.21419/2021

Date :24/11/2021

CSK 25/11/2021