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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2021

CORAM:

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

Cr1.O.P.No.22129 of 2021

Kannan

... Petitioner

Vs.

State rep by
The Inspector of Police,
All Women Police Station,
Salem Town, Salem City.
Crime No.29 of 2020

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending trial in Spl.S.C.No.48 of 2021, on the file of the Principal Special Court for Exclusive trial of cases under POCSO Act, Salem in Crime No.29 of 2020 on the file of the Inspector of Police, All Women Police Station, Salem town, Salem District.

For Petitioner : Mr.V.Perarasu

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 28.10.2020 for the offences under Sections 5(1), 5(n) 5(m) r/w and Section 6 and Section 7 r/w 8 of POCSO Act 2012, in Crime No.29 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de facto complainant's daughter was sexually harassed by the petitioner who is the paternal uncle of the victim girl on several times. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case due to property dispute and that he has been suffering incarceration for more than 65 days from 18.09.2021. He would further



submit that the investigation has been completed and charge sheet has been filed and that the same has been taken on file in Spl.S.C.No.48 of 2021 on the file of the learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Salem. He would further submit that the petitioner was earlier detained under Act 14 and now the detention has been recalled. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection but admits that the charge sheet has been filed and the case has been taken on file in Spl.S.C.No. 48 of 2021 on the file of the learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Salem.

5. Considering the facts and circumstances of the case and the fact that the charge sheet has been filed and the case has been taken on file 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 Principal Special Judge for Exclusive Trial of Cases under POCSO Act, Salem, 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 Wednesday and Saturday at 10.30 a.m. until further orders and also appear before the trial Court on all hearings and co-operate for the trial without fail.

(c) The petitioner shall not have any communication with the victim girl until the dispute is solved.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-

29/11/2021

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 PRINCIPAL SPECIAL JUDGE
FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
SALEM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SALEM TOWN, SALEM CITY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S V.PERARASU Advocate on payment of necessary charges
SR.NO.13586

CRL OP.22129/2021

Date :29/11/2021

RW 30/11/2021