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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.22683 of 2021

Venkatesan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
W-24, All Women Police Station,
Teymanpet, Chennai.
(Crime No.2 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 Crime No.2 of 2021 dated 27.06.2021 on the file of the respondent.

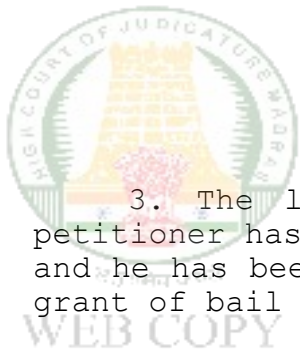
For Petitioner : Mr.Elangovan for Mr.Ka.Prabaharan

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 06.07.2021 for the offences under Section 6 of POCSO Act and Section 506(i) of IPC in Crime No.2 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner was arrested by the respondent on 06.07.2021. The arrest of the petitioner was not at all informed to the family members of the petitioner. The petitioner's family members were searching for the petitioner for more than 10 days in several places. Only thereafter, they came to know that the petitioner was arrested on the complaint given by one D.Chitra stating that her minor adopted daughter was sexually harassed by A1 on 26.06.2021. Hence this case.



3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that the investigation is almost completed, charge sheet also filed. However, he vehemently opposed to grant bail to the petitioner.

5. Considering all these facts, 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 their executing separate bonds 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 Special Court for POCSO Cases, Chennai, 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 the petitioner shall not have any communication with the victim girl and directed to co-operate for trial.

(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/-
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 SPECIAL COURT FOR POCSO CASES,
CHENNAI.

2 THE INSPECTOR OF POLICE,
W-24, ALL WOMEN POLICE STATION,
TEYMANPET, CHENNAI

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. KA.PRABAHARAN Advocate on payment of necessary charges SR.NO.13655

CRL OP.22683/2021

Date :29/11/2021

JPA 30/11/2021