



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

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CORAM:

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

Crl.O.P.No.22687 of 2021

Kalaichelvan

...Petitioner

Vs.

The State Rep by,
Inspector of Police,
W-13 Washermenpet All Women Police Station,
Chennai- 600 081.
(Crime No.11 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.11 of 2021 pending on file of the respondent police.

For Petitioner : Mr.M.Gnanasekar

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 01.10.2021 for the offences under Sections 11(2) r/w 12 of POCSO Act and U/S 67(B) of IT Act, 2000, in Crime No.11 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that the de facto complainant's daughter's photograph was downloaded by the petitioner from whatsapp profile and he posted the same in the Social Media viz., Instagram with a content that "Night 10.00 'O' clock free sexy chat available for me". Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioners ID has been misused by someone else and that the petitioner has been suffering incarceration for more than 55 days from 01.10.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner uploaded the victim's photograph in the



Instagram with vulnerable message and thereby, the mother of the victim girl lodged the complaint but admits that there is no previous case against the petitioner and that the investigation is almost completed.

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5. Considering the fact that there is no previous case against the petitioner and 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 Special Court for Exclusive Trial of Cases under POCSO Act at 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 Tuesday and Sunday at 10.30 a.m. until further orders.

(c) the petitioner shall not have any communication with the victim girl and her family members 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.

-sd/-

01/12/2021

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 SPECIAL COURT FOR EXCLUSIVE
TRAIL OF CASES UNDER POCSO ACT,
CHENNAI.

2 THE INSPECTOR OF POLICE,
W-13 WASHERMENPET ALL WOMEN POLICE STATION,
CHENNAI-600081

3 THE SUPERINTENDENT,
PUZHAL JAIL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. M.GNANASEKAR Advocate on payment of necessary
charges SR.NO.13796

CRL OP.22687/2021

Date :01/12/2021

CSK 01/12/2021