



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2021

CORAM:

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

Cr1.O.P.No.22783 of 2021

G.Gowtham

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
W-15, All Women Police Station,
Royapuram, Chennai - 600 021.
(Crime No.13 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.13 of 2021 on the file of the respondent police.

For Petitioner : Ms.Revathi Radhakrishna

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

O R D E R

The petitioner who were arrested and remanded to judicial custody on 21.10.2021 for the offences under Section 10 of POCSO Act and Section 75 of Juvenile Care and Protection of Children Act in Crime No.13 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner had tortured the children and on one occasion, he pressed his leg into the urinary place of one of the victim child, while the victim was lying down. That, three months ago the petitioner inflicted the victim with burn for their misbehaviour and that the petitioner had verbally abused the children. 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 164 statement was already recorded and investigation is almost completed. However, he vehemently opposed to grant bail to the petitioner.

5. Considering all these facts, that the defacto complainant advised to take care of the children, 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 Sessions Judge, Special Court for exclusive trial 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 Sunday 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/-

02/12/2021

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.



TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL UNDER
POCSO ACT AT CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL JAIL, PUZHAL.

3 THE INSPECTOR OF POLICE,
W-15, ALL WOMEN POLICE STATION,
ROYAPURAM, CHENNAI-600 021.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.REVATHI RADHAKRISHNA Advocate on payment of
necessary charges SR.NO.13901

CRL OP.22783/2021

Date :02/12/2021

RW 02/12/2021