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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2021

CORAM:

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

Cr1.O.P.No.22854 of 2021

1.Ragul Gandhi
2.Periyasamy
3.Pughazendi

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Padalur Police Station, Perambalur.
(Crime No.583 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in the event of his arrest by the respondent in respect of Crime No.583 of 2021 on the file of the respondent police.

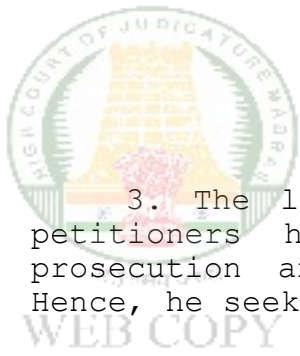
For Petitioners : Mr.C.Vidhusan

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

ORDER

The petitioners who were arrested and remanded to judicial custody on 05.11.2021 for the offences under Section 11(i) and 11(iv) r/w 12 of POCSO Act 2012 in Crime No.583 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners were uttered a word (I Love You) to the victim girl and also made harassment. On 04.11.2021 the victim girl own brother damaged A4 uncle house regarding that the Padalur Police registered a case against the victim girl brother in another crime number. The Investigation of victim girl own brother revenge this petitioners she filed a complaint against the petitioners. Hence this case.



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

4. The learned Government Advocate (Crl. Side) raised objection stating that the 164 statement was recorded and investigation is almost completed. However, he vehemently opposed to grant bail to the petitioners.

5. Considering all these facts, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are 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, Mahila Court, Perambalur, 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 petitioners shall report before the respondent police on every Sunday at 10.30 a.m. until further orders and the petitioners shall not have any communication with the victim girl;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
30/11/2021

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 SESSIONS JUDGE,
MAHILA COURT, PERAMBALUR.

2 THE INSPECTOR OF POLICE,
PADALUR POLICE STATION,
PERAMBALUR,

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. C.VIDHUSAN Advocate on payment of necessary charges

CRL OP.22854/2021

Date :30/11/2021

JPA 01/12/2021