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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2021

CORAM:

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

Cr1.O.P.No.23019 of 2021

Dinesh Paswan

... Petitioner

Vs.

State rep. By
The Inspector of Police
W-12, All Women Police Station
Harbour, Chennai
(Crime No.7 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.7 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.Sivanesan

For Respondent : Mr.N.S.Suganthan
Government Advocate(Crl. Side)

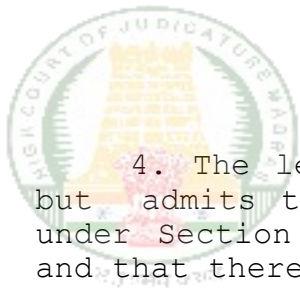
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 12.09.2021 for the offences under Sections 18 read with 10 of POCSO Act, 2012, in Crime No.7 of 2021 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on the date of the occurrence, the petitioner sexually assaulted the minor girl aged about 7 years while she was sleeping on the Platform. Hence, the grandmother of the defacto complainant lodged the complaint.

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. He would further submit that the petitioner has been suffering incarceration for more than 80 days from 12.09.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) raised objection but admits that the statement of the victim girl has been recorded under Section 164 Cr.P.C. and the investigation is almost completed and that there is no previous case against the petitioner.

5. Considering the fact that the investigation is almost completed and there is no previous case against the petitioner 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 Special Judge for Exclusive Trial of Cases Under POCSO Act, Chennai - 104, 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 at 10.30 a.m. until further orders.

(c) the petitioner shall also appear before the trial Court after commencement of trial on all hearings without fail and co-operate for the trial.

(d) The petitioner shall not have any communication with the victim girl and her family members until the dispute is solved.

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

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

(g) 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;



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

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-sd/-
03/12/2021

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 SPECIAL JUDGE FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
CHENNAI-104

2 THE INSPECTOR OF POLICE,
W-12, ALL WOMEN POLICE STATION,
HARBOUR, CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+! CC to M/S. C.SIVANESAN Advocate on payment of necessary charges SR.NO.14031

CRL OP.23019/2021

Date :03/12/2021

JPA 03/12/2021