



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.23147 of 2021

Vignesh

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Maduranthakam Police Station,
Chengalpattu District.
(Crime No.586 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 connection with Crime N.586 of 2021 on the file of the respondent police.

For Petitioner : Mr.P.Dinesh Kumar

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

ORDER

The petitioner who were arrested and remanded to judicial custody on 14.10.2021 for the offences under Sections 294(b), 366(A), 506(i) of IPC r/w Section 12 of POCSO Act in Crime No.586 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner has stalked the victim girl and sexually harassed her. The defacto complainant advised the petitioner not to repeat the said act. The accused Dhanasekaran told the defacto complainant that his son will continue the same act and he is aiding his son to commit the offence. On 09.09.2021 when the victim girl went to shop, the accused Dhanasekaran and Sivasankar, he abused her in filthy language and criminally intimidated her with dire consequences and forcibly abducted by his two wheeler with the intent to compel the victim girl to marry the petitioner and forced and seduced to illicit intercourse with her. 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, co-accused already released on bail and investigation is almost completed. 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 exclusive trial of cases under POCSO Act Chengalpattu, 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 and the petitioner shall not have any communication with the victim girl;

(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



1 THE SPECIAL COURT FOR EXCLUSIVE
TRIAL OF CASES UNDER POCSO ACT,
CHENGALPATTU.

2 THE INSPECTOR OF POLICE,
MADURANTHAKAM POLICE STATION,
CHENGALPATTU DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, MADURANTHAKAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. P. DINESH KUMAR Advocate on payment of necessary
charges SR.NO.13902

CRL OP.23147/2021

Date :02/12/2021

CSK 02/11/2021