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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.23038 of 2021

Nandhu

.. Petitioner

Vs.

State rep. by its
The Inspector of Police,
All Women Police Station,
Perur, Coimbatore District.
(Crime No.10 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.10 of 2021 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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

O R D E R

The petitioner who were arrested and remanded to judicial custody on 11.09.2021 for the offences under Sections 5(1)(j)(ii) r/w under Section 6 of POCSO Act 2012 @ under Section 384 of IPC and under Section 5(1)(j)(iii) r/w under Section 6, 3, 4 of POCSO Act 2012 in Crime No.10 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is mother of the victim girl. Based on the complaint of the defacto complainant FIR was registered and A1 was arrested on 28.06.2021 and remanded in the said crime number for the aggravated act of penetrative sexual assault on 02.07.2021, stating that the petitioner herein also committed sexual assault on the victim girl and obtained money by threatening 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 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 Coimbatore, 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 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.

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

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, PERUR,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO.13933

CRL OP.23038/2021

Date :02/12/2021

RW 03/12/2021