



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM:

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

Crl.O.P.No.23431 of 2021

Girinath

...Petitioner

Vs.

The State Represented by
Inspector of Police
All Women Police Station
Pollachi
Coimbatore District
(Crime No.28 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.28 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.N.Balakirshnan

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 06.11.2021 for the offence under Sections 9(m), 9(l), 10 of POCSO Act, 2012 and 506(i) of IPC, in Crime No.28 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner approached the victim girl aged about 11 years and touched her stomach and also intimidated her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and no such occurrence had happened. He would further submit that the petitioner has been suffering incarceration for 40 days from 06.11.2021 and hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise strong objection stating that based on the complaint given by the mother of the victim, the complaint has been registered but admits that there is no previous case against the petitioner and the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that there is no previous case against the petitioner and the investigation is almost completed 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 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 stay at Karur and report before the Town Police station on every Tuesday and Wednesday at 10.30 a.m. for a period of two months and thereafter, report before the respondent police as and when required for interrogation. 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/-

15/12/2021

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 TRIAL OF CASES UNDER POCSO ACT,
COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

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

4 THE OFFICER INCHARGE,
TOWN POLICE STATION, KARUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.N.BALAKRISHNAN Advocate on payment of necessary charges SR.NO.14209

CRL OP.23431/2021

Date :15/12/2021

RW 15/12/2021