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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.24449 of 2021

Madhavan

... Petitioner

Vs.

The State,
The Inspector of Police,
W-2, All Women Police Station,
Triplicane, Chennai.
(Cr.No.02 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in Spl.S.C.No.143 of 2021 on the file of Special Court for POCSO Act Cases, Chennai in Crime No.02 of 2021 on the file of the Inspector of Police, W2 All Women Police Station, Triplicane, Chennai.

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : Mr.S.Balaji
Government Advocate (Cr1. Side)

ORDER

The petitioner who was arrested on 12.06.2021 for the offence under Sections 323, 342 of I.P.C. and 17 r/w 5(m) r/w 6 of POCSO Act, 2012 altered offence under Sections 342, 352, 506(ii) and 34 of IPC r/w. Section 5(m), 6, 5(1), 9(1), 9(m) and 10 of POCSO Act, 2012 in Spl.S.C.No.143 of 2021 on the file of Special Court for POCSO Act Cases, Chennai (Crime No.02 of 2021), seeks bail.

2.It is the case of the prosecution that the petitioner is alleged to have mis-behaved with the young boys.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and would further submit that investigation in the case has been completed and the respondent has also filed charge sheet and



the petitioner is in prison from 12.06.2021 and prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) submitted that investigation in the case has been completed and the respondent has filed charge sheet and the same has been taken on file as Spl.S.C.No.143 of 2021 by the Special Court for POCSO Act Cases, Chennai.

5.Considering the fact that investigation in the case has been completed and charge sheet has also been filed and considering the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner.

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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Special Court for POCSO Act Cases, Chennai and on further condition 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 trial Court i.e., Special Court for POCSO Act Cases, Chennai, at 10.30 a.m. on each and every date of hearing;

(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 petitioners 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/-
15/12/2021

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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
POCSO ACT CASES, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
W-2, ALL WOMEN POLICE STATION,
TRIPPLICANE,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI-II, CHENNAI.

CC to M/S. B.GOPALAKRISHNAN Advocate on payment of necessary charges

CRL OP.24449/2021

Date :15/12/2021

TA-16/12/2021