



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM:

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

Crl.O.P.No.24259 of 2021

Devanathan @ Ranjith

... Petitioner

Vs.

State Rep by,
Station House Officer,
Orleanpet Police Station,
Puducherry.
(Crime No.170 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 the Crime No.170 of 2021, pending on the file of the respondent police.

For Petitioner : Mr.K.Kannan

For Respondent : Mr.V.Balamurugane,
Additional Public Prosecutor
(Pondicherry)

ORDER

The petitioner who was arrested and remanded to judicial custody on 18.11.2021 for the offences under Sections 6, 8 and 16 of Protection of Children from Sexual Offences Act 370(4). 370A and 366A of IPC and under Section 5(1) (d) (ii) and 6(2A) of Immoral Trafficking Act in Crime No.170 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that one Sunitha who owns Arya Beauty Parlour had induced the victim for carrying out prostitution in the name of body massage for sexual exploitation. The customers of beauty parlor had sexual assault with the victim due to the love affair. Based on the compliant FIR was registered.



3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he was falsely implicated in this case and he further submits that petitioner does know the victim and never ever met her in Arya Parlor Spa and only approached the Spa for body massage and the victim girl has not identified the petitioner during the identification parade. He would further submit that the petitioner has been suffering incarceration for more than 60 days from 18.11.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor (Pondicherry) would raise strong objection stating that the statement of the victim under Sections 164 of Cr.P.C was recorded. He further submits that the investigation is yet to be completed. Hence, he vehemently opposed the grant of bail.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and that the investigation was almost completed, 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 Sessions Judge (under POCSO Act), Puducherry 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 p.m., until further orders;

(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.

WEB COPY

-sd/-
20/12/2021

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 SESSIONS JUDGE
(UNDER POCSO ACT) PUDUCHERRY.

2 THE STATION HOUSE OFFICER,
ORLEAN PET POLICE STATION,
PUDUCHERRY.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUDUCHERRY

4 THE PUBLIC PROSECUTOR
PUDUCHERRY

+1 CC to M/S. A.TAMILVANAN Advocate on payment of necessary charges SR.NO.15157

CRL OP.24259/2021

Date :20/12/2021

JPA 20/12/2021