



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM:

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

Crl.O.P.No.25146 of 2021

Mayee

... Petitioner

Vs.

The State rep. by
The Inspector of Police
W2 All Women Police Station,
Triplicane, Chennai.
(Crime No.02 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.02 of 2021 on the file of the respondent police.

For Petitioner : Mr.B.Gopalakrishnanan

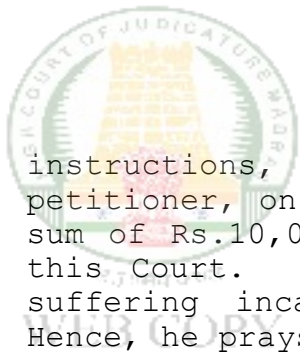
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 12.06.2021 for the offences under Sections 323, 342 of IPC & 17 r/w 5(m) r/w 6 of POCSO Act 2012 later altered into Section 342, 352, 506(ii) and 34 of IPC r/w Section 5(m), 6, 5(1), 9(1), (9m) and 10 of POCSO Act 2012, in Crime No.02 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that defacto complainant lodged a complaint before the respondent police stated that the petitioner along with others misbehaved with the victim children. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and that no such occurrence had happened. However, on



instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- to any Charitable Purpose as may be directed by this Court. He would further submit that the petitioner has been suffering incarceration for more than 165 days from 12.06.2021. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner along with others misbehaved with victim children. He further submits that the co-accused were released on bail and the investigation was almost completed. He further submits that the statement of victims under Section 164 of Cr.P.C has been recorded.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and also the fact that the co-accused were released on bail and investigation was almost completed and the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, 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 POCSO Act Cases, Chennai, and on further conditions that:

(a) the petitioner is directed to deposit a sum of Rs.10,000/-(Rupees Ten Thousand only) to the credit of the Madras High Court Advocate Clerks Welfare Association, Chennai, within a period of two weeks from the date of receipt of copy of this order and shall produce the said receipt before the Court below

(b)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;

(c) the petitioner shall report before the respondent police as and when requires for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;



(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
22/12/2021

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
POCSO ACT CASES, CHENNAI.

2 THE INSPECTOR OF POLICE,
W2 ALL WOMEN POLICE STATION,
TRIPPLICANE, CHENNAI

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL-II, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE MADRAS HIGH COURT
ADVOCATE CLERKS WELFARE ASSOCIATION, CHENNAI.

+1 CC to M/S.B.GOPALAKRISHNAN Advocate on payment of necessary charges SR.NO.15304

CRL OP.25146/2021

Date :22/12/2021

JPA 23/12/2021