



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 01/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1023 of 2021

Kumaresan @ Kokki Kumar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
Crime No.1562 of 2020.

... Respondent/Complainant

For Petitioner : Mr.J.Lawrance,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 1562/2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 01.01.2021 for the offences punishable under Sections 11(3),12 of POCSO Act and Section 67(A) of Information and Technology Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner herein has shared obscene photos to one Alice Kavugo aged about 17 years, who is Brazil National. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he never shared any photos to anybody. He would also submit that the petitioner is in jail for more than 25 days, hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that petitioner herein has shared obscene photos to one Alice Kavugo aged about 17 years, who is Brazil National.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the petitioner is not having prior acquittance with the victim mentioned in the profile, this Court is inclined to grant bail to the petitioner subject to the following 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 Fast Track Mahila Court, Dindigul.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
01/02/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



TO

1. THE JUDGE,
FAST TRACK MAHILA COURT, DINDIGUL.

2. THE INSPECTOR OF POLICE,
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT.

3. THE OFFICER INCHARGE
DISTRICT PRISON, DINDIGUL.

4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-567[I] dated 01/02/2021)

ORDER

IN

CRL OP(MD) No.1023 of 2021

Date : 01/02/2021

AAV

TK/VR/SAR.2/01.02.2021/3P/6C