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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM:

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

Cr1.O.P.No.232 of 2022

Prashanth

.. Petitioner

Vs.

Inspector of Police,
All Women Police Station,
Arokkonam.
Ranipet District.
(Crime No.19 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 Crime No.19 of 2021 on the file of the respondent police.

For Petitioner : Mr.V.Arul

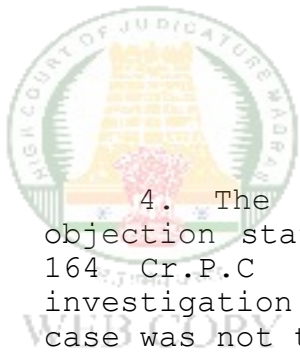
For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who was arrested and remanded to judicial custody on 07.11.2021 for the offences under Sections 7 and 8 of POCSO Act 2012 and under Section 448 of IPC in Crime No.19 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/accused aged about 24 years has locked the house, wrongly confined the victim child and misbehaved with an innocent victim child aged about 9 years by kissing her. Hence the complaint.

3. The learned Counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner has been suffering incarceration for one month from 07.11.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise objection stating that the statement of the victim girl under Section 164 Cr.P.C has been recorded. He further submits that the investigation was almost completed and Charge Sheet was filed, but the case was not taken on file.

5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and the fact that the investigation was almost completed and charge sheet was filed and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with conditions.

[a] the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

[b] the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Vellore within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

[c] 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;

[d] the petitioner shall report before the respondent police on every Monday and Thursday at 10.30 a.m. until further orders;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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;



[h]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
07/01/2022

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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 SESSIONS JUDGE
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, 2012, VELLORE.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
AROKKANAM, RANIPET DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
VELLORE, VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.V.ARUL Advocate on payment of necessary charges
SR.NO.321

CRL OP.232/2022

Date :07/01/2022

INBA-07/01/2022