



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM:

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

Crl.O.P.No.199 of 2022

Jesudass Raja

...Petitioner

Vs.

The State rep by
The Inspector of Police
Aladi Police Station,
Cuddalore District.
(Crime No.178 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.178 of 2021, pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Wilson, Senior counsel
For Mr.R.Surya Prakash

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

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 10.11.2021 for the offences under Sections Girl Missing @ 11(1), 12, 5(1), 6 of POSCO Act, in Crime No.178 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had harassed the victim girls. Based on the statement given by the victim girls, a case has been registered.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him and the petitioner has been suffering incarceration from 10.11.2021. He further submitted that the petitioner is running a home for nearly 30 years and there is no bad antecedents. He further submitted that the petitioner had given a complaint before the respondent police under Section Girl Missing. Hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submitted that the petitioner had harassed the victim girl. He further submitted that the statement under Section 164 Cr.P.C has been recorded from the victim girls and the investigation is almost completed. However, he vehemently opposed for grant of bail to the petitioner.

5. At that time of argument of the learned senior counsel for the petitioner submitted that the Department of Cardiology has issued the medical report and also enclosed, which reveals that the petitioner is suffered heart ailment and the petitioner received many number of honors from various institutions for peace and social activities like Nelson Mandela Peace Award, Achievement Puraskar Award, Indra Gandhi Unity Award, Nehur Award, Gold star Asia International Award and received Doctor of Honors(Social Worker) and the copy of the Awards are enclosed.

6. Considering the above facts and circumstances of the case and also the fact that the the investigation is almost completed and the petitioner is aged about 66 years and considering the health condition and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, 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 Special Court (The Exclusive Trial of POSCO Act Cases), Cuddalore, 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 learned 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 Saturday at 10.30 a.m. until further orders and shall co-operate for the investigation and shall not have any communication to the victim girl.

(e) the petitioner shall not commit any offences of similar nature;

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



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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

-sd/-

07/01/2022

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
(THE EXCLUSIVE TRIAL OF POCSO ACT, CASES),
CUDDALORE.

2 THE INSPECTOR OF POLICE,
ALADI POLICE STATION,
CUDDALORE DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL, CUDDALORE.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S R.SURYA PRAKASH Advocate on payment of necessary charges

CRL OP.199/2022

Date :07/01/2022

INBA-10/01/2022