



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

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

CrI.O.P.No.1263 of 2022

Rajendran

.. Petitioner

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
W4, All Women's Police Station,
Kilpauk, Chennai.
(Crime No.6 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 Spl.S.C.No.120 of 2021 on the file of Special Court for Exclusive Trial under POCSO Act at Chennai in Crime No.6 of 2021 on the file of W4 All Women's Police Station, Kilpauk, Chennai, pending trial.

For Petitioner : Mr.M.Devaraj

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

The petitioner who was arrested and remanded to judicial custody on 19.07.2021 for the offences under Sections 9(1)(m)(n) r/w 10 of POCSO Act, 2012 in Crime No.6 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant was married to one Ranjith in the year 2005 and the victim girl was born in the year 2006. The complainant got divorced in the year 2007 from Ranjith and had lived separately. The daughter of the complainant namely the alleged victim was brought up by the petitioner herein from the very young age and in fact, the victim had recognized the petitioner as her parents. As per the whims and fancies of the complainant, the victim was admitted in as many as 7 schools till 7th standard. The victim was staying in the petitioner house and the complainant as the parent of the child changed the school often. Thereafter, the victim was taken to Hyderabad in the year 2017 and after one year, the victim returned to Chennai and stayed in the grandmother's house. However, the complainant in order to put the



petitioner to terms in respect of taking the entire house property has given a false complaint. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor raised objection stating that the investigation almost completed, charge sheet also filed in S.C.No.120 of 2021 on the file of Special Court for Exclusive Trial under POCSO Act at Chennai. However, he vehemently opposed to grant bail to the petitioner.

5. Considering all these facts, 164 statement given by the victim girl (he is her bghpag;gh) no such aspect against this petitioner, investigation 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 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;

(a) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Special Court for Exclusive Trial under POCSO Act at Chennai, within 15 days from the date of lifting of the lock down and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(b) 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;

(c) the petitioner shall report before the respondent police on every Monday, Wednesday and Saturday at 10.30 a.m. until further orders and file the affidavit before the Trial Court and co-operate for trial proceedings and the petitioner shall not have any communication with the victim girl and also her family, if any disturbance comes to the girl the bail order will be cancelled automatically;

(d) 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/-
21/01/2022

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
FOR EXCLUSIVE TRIAL UNDER POCSO ACT, CHENNAI.

2 THE INSPECTOR OF POLICE,
W4 ALL WOMENS POLICE STATION KILPAUK,
CHENNAI.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+1 CC to M/S. M.DEVARAJ Advocate on payment of necessary charges
SR.NO.946

CRL OP.1263/2022

Date :21/01/2022

INBA~21/01/2022