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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM:

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

CrI.O.P.No.1645 of 2022

Govindharaj

... Petitioner

Vs.

State Rep by
The Inspector of Police,
All Women Police Station,
Ponneri, Tiruvallur.
(Crime No.37 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.37 of 2021 on the file of the respondent police.

For Petitioner : Mr.P.Sridhar

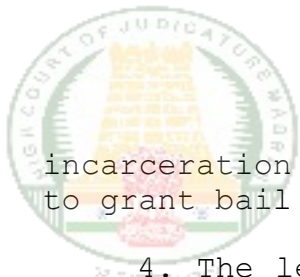
For Respondent : Mr.A.Gokula Krishnan
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 16.12.2021 for the offences under Section 67 C of IT Act r/w Section 354 C of IPC and Section 11 and 12 of the POCSO Act in Crime No.37 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the on the date of occurrence, when the victim girl studying 12th Standard residing in the rented house and went to take bath in the bathroom which is situated at down stairs, the accused had peeped into the bathroom and videographed in his cell phone . 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's cell phone was seized and the petitioner without prejudice his right, he shall not upload any photographs of the victim girl in the social media and to that effect he shall file an undertaking affidavit before the concerned Trial Court. He further submits that the petitioner was suffering



incarceration for more that 42 days from 16.12.2021. Hence, he seeks to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would raise objection stating that the investigation was almost completed and cell phone was seized by the respondent police.

6. Considering the facts and circumstances of the case and also considering that the investigation was almost completed and also the fact that the petitioner without prejudice his right, he shall not upload any photographs of the victim girl in the social media and to that effect he shall file an undertaking affidavit before the concerned Trial Court 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 without prejudice to his right, he shall not upload any photographs of the victim girl in the social media and to that effect he shall file an undertaking affidavit before the concerned Trial Court and on such filing of undertaking affidavit, the petitioner shall execute two sureties each like sum for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the District Mahila Judge, Fast Track Court, Tiruvallur, 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 Saturday 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/-

27/01/2022

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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 DISTRICT MAHILA JUDGE,
FAST TRACK COURT, TIRUVALLUR.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUVALLUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+2 CC to M/S P.SRIDHAR Advocate on payment of necessary charges
SR.NO.1245

CRL OP.1645/2022

Date :27/01/2022

INBA~28/01/2022