



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.2115 of 2022

Senthilkumar

... Petitioner

Vs.

State rep by
The Inspector of Police,
All Women Police Station (West),
Coimbatore District.
(Crime No.04 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail relating to the case registered as Crime No.04 of 2021 on the file of the respondent.

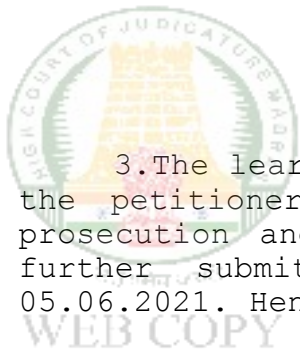
For Petitioner : M/s.A.Tamilarasan

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

ORDER

The petitioner, who was arrested on 05.06.2021 and remanded to judicial custody for the offences punishable under Sections 11(4) and 12 of the Protection of Children From Sexual Offences Act, 2012 in Spl.C.C.No.46 of 2021 on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, in Crime No.04 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is the father of the de-facto complainant. The petitioner watched the de-facto complaint / victim while she was taking bath through the hole in the door and has repeated the same. Hence, the de-facto complainant lodged a complaint against the petitioner before the respondent police.



3. The learned counsel appearing 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. He further submitted that the petitioner has been in jail from 05.06.2021. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that this is the third bail petition filed by the petitioner and this Court has already dismissed the bail applications filed by the petitioner. He further submitted that, the investigation is completed and the charge sheet has been filed. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and this Court has dismissed the earlier bail petitions of the petitioner on the ground that the investigation was not completed. However, since the investigation is completed and charge sheet has been filed, considering the change of circumstance, 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 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 learned Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore and on further condition that:

(a) 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;

(b) the petitioner shall report before the respondent police, every Monday at 10.30 a.m.

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

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

(e) 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;



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

WEB COPY

-sd/-
03/02/2022

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 OF CASES UNDER POCSO ACT,
COIMBATORE.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION (WEST),
COIMBATORE DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.A.TAMILARASAN Advocate on payment of necessary
charges SR.NO.1911

CRL OP.2115/2022

Date :03/02/2022

JPA 07/02/2022