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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

Cr1.O.P.No.1617 of 2022

Abdul Sathar

... Petitioner

Vs.

State Rep by
Inspector of Police,
AWPS North Police Station,
Tiruppur.
(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 Crime No.19 of 2021 on the file of the respondent police.

For Petitioner : Mr.B.Vijayakumar

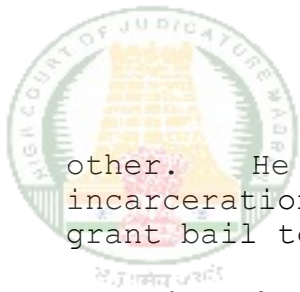
For Respondent : Mr.A.Gokula Krishnan
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 27.09.2021 for the offences under Section 11(3) (4), r/w 12 of POCSO Act, u/s 354 (A) (iv) IPC u/s 67(B)(d)(e) IT Act 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 had love affair with the victim girl and committed sexual harassment by giving false promise to marry her and thereafter, he refused to marry her and further alleged that the petitioner had taken obscene photos of the victim girl in his mobile phone and threatened her to upload the same in the social media. 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 and the victim girl loved each



other. He further submits that the petitioner was suffering incarceration for 120 days from 27.09.2021. Hence, he seeks to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would raise objection stating that the statement of the victim girl was recorded under Section 164 of Cr.P.C and the investigation was completed and charge sheet was also filed.

6. Considering the facts and circumstances of the case and also the fact that the investigation was completed and charge sheet was also 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 each like sum for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Fast Track Mahila Court, Tiruppur, 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 concerned Trial Court on all hearing dates at 10.30 a.m. until further orders and the petitioner shall not communicate the victim girl till the disposal of the case;

[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.

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-sd/-
27/01/2022

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 FAST TRACK MAHILA COURT,
TIRUPPUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE INSPECTOR OF POLICE,
AWPS NORTH POLICE STATION,
TIRUPPUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.B.VIJAYAKUMAR Advocate on payment of necessary charges SR.NO.1264

CRL OP.1617/2022

Date :27/01/2022

RW 28/01/2022