



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.02.2022

CORAM:

WEB COPY

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

Crl.O.P.No.2126 of 2022

Hayath Basha

... Petitioner

Vs.

State Rep by  
The Inspector of Police,  
All Women Police Station,  
Ranipet District.  
(Crime No.25 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.25 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Rajaj Ravi Varma

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

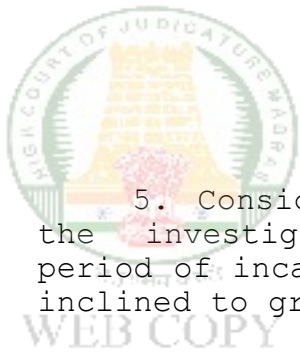
ORDER

The petitioner who was arrested and remanded to judicial custody on 30.11.2021 for the offences under Sections 363 of IPC r/w Section 5 (1) & 6 of POCSO Act, 2012, in Crime No.25 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution that the defacto complainant lodged a complaint before the respondent police stated that his daughter/victim girl was found missing and she was kidnapped by her first daughter's husband.

3. The learned Counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submits that the petitioner was suffering incarceration for more than 60 days from 30.11.2021. Hence, he seeks to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would raise objection stating that the petitioner had sexually harassed the defacto complainant's daughter and the statement of the victim girl under Section 164 of Cr.P.C has been recorded and the investigation was almost completed and now, the victim girl was under the custody of parents. He further submits that the petitioner's earlier petition was dismissed by this Court in Crl.O.P.No.25546 of 2021 dated 07.01.2022.



5. Considering the facts and circumstances of the case and the investigation was almost completed 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 learned Special Sessions Judge for Exclusive Trial of Cases( under POCSO Act), Vellore, Vellore District 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 appear before the respondent police on every Monday at 10.30 a.m for a period of four weeks, until further orders and shall not have any communication with the victim girl and her family members;

[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/-  
02/02/2022

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 SESSIONS JUDGE FOR EXCLUSIVE  
TRIAL CASES (UNDER POCSO ACT),  
VELLORE, VELLORE DISTRICT.

2 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE.

3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
RANIPET DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S M.SATHISH KUMAR Advocate on payment of necessary  
charges SR.NO.1709

CRL OP.2126/2022

Date :02/02/2022

MK:03/02/2022