

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM:

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

Cr1.O.P.No.1891 of 2022

D.Sathish @ Sathish Kumar

... Petitioner

Vs.

The State

Rep.by the Inspector of Police,

All Women Police Station North,

Tiruppur.

(Crime No.34 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 connection with Crime No.34 of 2021 on the file of the respondent police.

For Petitioner : Mr.J.Abrar Mohamed Abdullah

For Respondent : Mr.N.S.Suganthan

Government Advocate (Cr1.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 28.12.2021 for the offences under Section 7 r/w 8 of POCSO Act, 2012 in Crime No.34 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.12.2021 the defacto complainant found that her daughter/ victim girl sustains few injuries in her body and when she questioned the same, the child informed that an unknown person has been misbehaved with her. 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 based on the complaint the respondent conducted an enquiry from 17.12.2021 to 28.12.2021 in the school and there are nearly 108 CCTV Cameras embedded in the said school and the petitioner was not in any videos footage taken from the respondent. On 28.12.2021 without any basis, the respondent arrested the petitioner. He further submits that the petitioner was suffering incarceration for 32 days from 02.11.2021. Hence, he seeks to grant bail to the petitioner.

4. The learned Government Advocate (CrI.Side) would raise objection stating that the statement of the victim girl was recorded under Section 164 of Cr.P.C and the investigation was almost completed.

5. Considering the facts and circumstances of the case and also considering the fact that investigation was almost completed and 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 Sessions Judge, Mahila Court (FAC), Tirupur, 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 and the petitioner shall not communicate the victim girl ;

[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/-

28/01/2022

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 SESSIONS JUDGE,
MAHILA COURT (FAC), TIRUPUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION NORTH
TIRUPUR.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

CC to M/S.I.ABRAR MOHAMED ABDULLAH Advocate on payment of necessary charges Sr.1316

CRL OP.1891/2022

Date :28/01/2022

RVR 31/01/2022