



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.02.2022

CORAM:

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

Cr1.O.P.No.2020 of 2022

M.Siva Aditya

... Petitioner

Vs.

State Rep by
The Inspector of Police,
W24 All Women Police Station,
Teynampet.
(Crime No.06 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 the event of arrest in crime No.6 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.Ramesh Senior Counsel
For Shah and Shah

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

For Intervener : Ms. Deepika Murali

ORDER

The petitioner who was arrested and remanded to judicial custody on 15.10.2021 for the offences under Section 363 of IPC and Section 9 (m), 10 and 12 of the POCSO Act, 2012 in Crime No.6 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that t

3. The learned Counsel for the petitioner submits that the petitioner is aged about 49 years and he is the brother-in-law of the defacto complainant. He further submitted that the petitioner married the defacto complainant's sister and living nearby the defacto complainant's flat and then there is misunderstanding between the petitioner and his wife and they are living separately, due to which,



she used the victim as a tool and gave a false complaint against the petitioner. Further, he stated that the petitioner is Working as CEO in the Multinational Company, due to the above occurrence, the petitioner vacated that house and living with his mother in Adayar and he is ready to surrender his Passport. He further stated that the petitioner is no way connected in this case and he has been suffering incarceration for more than three months from 15.10.2021. Hence, he prays for grant of bail.

4. The learned counsel for the intervener submits that the petitioner is the matrimonial uncle of the victim child and he has sexually harassed the victim child by showing the obscene pictures to her, then the victim child informed the same to her mother, hence she lodged a complaint and she further submitted that the trial Court also dismissed his bail application in Cr.M.P.No.1171 of 2021. She further stated that if he released on bail he may tamper the evidence. Hence, he vehemently opposed to grant of bail to the petitioner.

5. The learned Government Advocate (Crl side) 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 the charge has also been filed before the trial Court in C.C.No. 2 of 2022.

6. Heard.

7. From the above submissions it is clear that the petitioner is the close relative of the defacto complainant and there was a family dispute between the petitioner/husband and wife. As per the submissions made by the petitioner's counsel he vacated the matrimonial house and living with his mother in Adayar. Furthermore, the statement under Section 164 of Cr.P.C has been recorded and he is the CEO of the Multinational Company and he is aged about 49 years and ready to surrender his passport

6. Considering the facts and circumstances of the case and the investigation was almost completed and the statement under Section 164 Cr.P.C has been recorded 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 shall direct to surrender his passport before trial Court until the disposal of the present case and he should not have any communication with the victim child and her family and appear before the trial Court regularly;



[b] 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;

[c] the petitioner shall execute two sureties each like sum for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Special Court for exclusive Trial of POCSO Cases, Chennai, 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;

[d] 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;

[e] the petitioner shall appear before the respondent police on every Saturday at 10.30 a.m for a period of four weeks, until further orders

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[g] the petitioner shall not abscond either during investigation or trial;

[h] 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;

[i] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

04/02/2022

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
THE EXCLUSIVE TRIAL OF POCSO CASES,
CHENNAI.

2 THE INSPECTOR OF POLICE,
W24 ALL WOMEN POLICE STATION,
TEYNAMPET, CHENNAI

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.SHAH AND SHAH Advocate on payment of necessary
charges SR.NO.1979

CRL OP.2020/2022

Date :04/02/2022

JPA 07/02/2022