



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

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

Cr1.O.P.No.2392 of 2022

Sunil Terang

... Petitioner

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Poonamallee.
(Crime No.29 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 the Crime No.396 of 2021 on the file of the Respondent Police.

For Petitioner : Mr.D.Padmanabhan

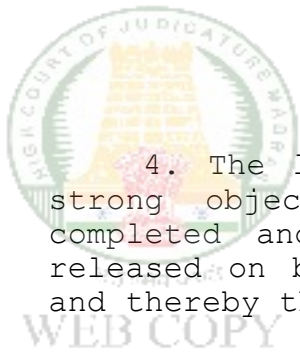
For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who was arrested and remanded to judicial custody on 07.11.2021 for the offences under Sections 15(1), 15(2) of POCSO Act and 67(B) IT Act, in Crime No.29 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 13.05.2021, the petitioner who is having a Mobile No.7422984235, had uploaded abusive and porn video of children which was banned by the National Centre, misused and Exploited Children. Hence, the case.

3. The learned Counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that the petitioner has been suffering incarceration for more than days from 07.11.2021 and would pray for grant of bail.



4. The learned Government Advocate (Crl. Side) would raise strong objection stating that the investigation was almost completed and the petitioner belongs to Assam and if he is released on bail, there is every possibility of getting abscond and thereby the investigation would be stalled.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed, this Court is inclined to grant bail to the petitioner with certain 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 for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Session Judge, Special Court for Exclusive Trial of Cases of under POCSO Act, Chengalpattu 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 Sunday 10.30 a.m. until further orders;

(e) the petitioner shall file an undertaking affidavit before the concerned Court that he shall not upload abusive and porn video of children which was banned by the National Centre,

(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/-
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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF
CASES OF UNDER POCSO ACT, CHENGALPATTU.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI II,
CHENNAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POONAMALLE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. D.PADMANABHAN Advocate on payment of necessary charges SR.NO.1827

CRL OP.2392/2022

Date :03/02/2022

MK:04/02/2022