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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.2371 of 2022

Ajith Kumar

...Petitioner

Vs.

The State rep. By
The Inspector of Police
Thiruthuraipoondi Police Station,
Tiruvarur District.
(Crime No.21 of 2022)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Criminal Procedure Code, 1973 praying to enlarge the petitioner on bail in Crime No.21 of 2022 on the file of the the Inspector of Police Thiruthuraipoondi Police Station, Tiruvarur District.

For Petitioner : Mr.T.Muruganantham

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 10.01.2022 for the offences under Section 67 of Information Technology Act and 506 (Part I) of IPC, 11(4) r/w 12 of POCSO Act in Crime No.21 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner forced the victim girl for marriage and threatened the victim girl with dire consequences, if she is not loving him. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 10.01.2022 onwards. Hence, he prays for bail.



4. M/s.G.V.Kasthuri, learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she admits a portion of investigation has been completed in this case.

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5. The submissions made by the learned Counsel on either side are considered.

6. The respondent police registered a case as against the petitioner for the offences punishable under Section 67 of Information Technology Act and 506 (Part I) of IPC, 11(4) r/w 12 of POCSO Act. The averments found in the first information report shows during the relevant point of time, the petitioner took the ordinary photographs of the minor child and uploaded the same in the mobile phone(instagram). Except the said allegation, no overt act against this petitioner. Though the petitioner is having one another case which have been registered based on the complaint given by the very same defacto complainant, considering the period of incarceration, this Court is inclined to grant bail to the petitioner with stringent conditions as follows:

(a) the petitioner is ordered to be released on bail to execute a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of Judicial Magistrate, Thiruthuraipoondi.**

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) **the petitioner shall report before the Inspector of Police, Trichy Cantonment Police Station, Trichy daily at 10.00 a.m. until further orders;**

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial 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];



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
15/02/2022

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 JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
THIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, THIRUTHURAIPOONDI.

6 THE INSPECTOR OF POLICE
TRICHY CANTONMENT POLICE STATION,
TRICHY.

CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary charges

CRL OP.2371/2022

Date :15/02/2022

TA-17/02/2022