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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

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

Crl.O.P.No.2622 of 2022

1.Pandi
2.Jeeva

...Petitioner/Accused A1 & A2

Vs.

State rep. by
The Inspector of Police,
All Women Police Station Tiruppur North,
Tiruppur District.
(Crime No.23 of 2021)

...Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Spl.SC No.107/2021 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur in Crime No.23 of 2021 on the file of the Respondent police.

For Petitioner : Mr.C.S.Saravanan

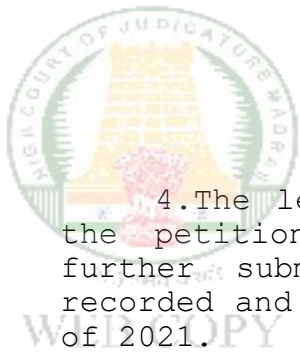
For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioners who were arrested and remanded to judicial custody on 15.10.2021 for the offences under Section 7, 8 of POCSO Act, 2012, in Crime No.23 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners sexually harassed the victim girl who is aged about 15 years. Hence, the complaint.

3. The learned counsel for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that they have been suffering incarceration for more than 100 days from 15.10.2021 and he would pray for grant of bail to the petitioner.



4. The learned Government Advocate raised objection stating that the petitioners have sexually harassed the victim child and he further submitted that the statement under Section 164 Cr.P.C recorded and charge sheet was also taken on file in Spl.S.C. No. 107 of 2021.

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 and the charge sheet also taken on file Spl.S.C.No.107 of 2021, this Court is inclined to grant bail to the petitioner with certain conditions;

(a) the Petitioners are 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 petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Sessions (Fast Track Mahila) Judge, Tiruppur, 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 petitioners shall report before the Theni Town Police Station on Every Monday and Saturday at 10.30 a.m. for a period of two months, until further orders and the petitioners shall appear for the trial proceedings regularly without fail;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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-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 SESSIONS (FAST TRACK
MAHILA) JUDGE, TIRUPPUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUPPUR NORTH, TIRUPPUR DISTRICT.

4 THE OFFICER INCHARGE,
THENI TOWN POLICE STATION,
THENI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.2622/2022

Date :04/02/2022

RW 07/02/2022