



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.2792 of 2022

Rajasekar @ Raja

... Petitioner

Vs.

State represented by
The Inspector of Police,
W-17, Sembium,
All Women Police Station,
Peravallur, Chennai - 600082.
(Crime No.1329 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner/accused on bail in Crime No.1329 of 2021 on the file of the respondent Police.

For Petitioner : Mr.R.T.L.Chandar

For Respondent : Mrs.G.V.Kasthuri,
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 11.11.2021 for the offences under Sections 5(1) r/w 6 of POCSO Act & 366 of I.P.C. in Crime No.1329 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant's daughter Vidhya, who aged about 13 years, was studying eighth standard at Seventh Day School, Vyasarpadi. On 08.11.2021, the defacto complainant came to know that his daughter left his home around 01.30 p.m. without telling anyone with the petitioner/accused, who is residing opposite to their house. In this circumstances, the defacto complainant lodged a complaint on 08.11.2021 with the Inspector of Police, K-1 Sembium Police Station and the police registered a case against this petitioner/accused. Hence this complaint.



3. The learned Counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that petitioner is in judicial custody from 11.11.2021 and as of now, investigation has been completed. Accordingly, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the portion of investigation has already been completed. However, she vehemently opposed to grant bail to the petitioner.

5. Submissions made by the learned counsel on either side are considered.

6. Admittedly, after registering the case, the petitioner was arrested on 11.11.2021 and afterwards, 164 Cr.P.C. statement has also been recorded from the victim girl. Hence, in view of the fact that the portion of investigation has already been completed, further custodial interrogation of the petitioner may not be necessary for completing investigation. Accordingly, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail on their executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Chennai, and on further conditions that:

(a) 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;

(b) the petitioner shall report before the respondent police daily at 10.00 a.m., until further orders;

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

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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;



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

WEB COPY

-sd/-
08/02/2022

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
UNDER POCSO ACT, CHENNAI.

2 THE INSPECTOR OF POLICE,
W-17, SEMBIRUM, ALL WOMEN POLICE STATION,
PERAVALLUR, CHENNAI-600 082.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.T.L,.CHANDAR Advocate on payment of necessary
charges

CRL OP.2792/2022

Date :08/02/2022

JPA 09/02/2022