



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2022

CORAM:

THE HON'BLE MR.JUSTICE DR.G.JAYACHANDRAN

Cr1.O.P.No.4888 of 2022

Akash @ Veeraselvan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Poraiyar Police Station,
Mayiladuthurai District.
(Crime No.19 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.19 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Ananthasekar

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner herein arrayed as A4 in a case registered by the respondent police in Crime No.19 of 2022 for the offences punishable under Sections 294(b), 354A and 506(i) and Section 5(1) read with 6, 11(v), 11(vi) read with 12 of the POCSO Act, 2012, on the file of the respondent police is before this court seeking bail.

2. On the complaint given by the victim girl aged 14 years old on 25.12.2021, a case has been registered against four accused, wherein this accused has been arrayed as A4. From the F.I.R. as well as 164 statement of the defacto complainant, it appears that the minor girl had affair with the petitioner herein and when they were in isolation, the other three accused came there and misbehaved with her. From 164 statement, this Court prima facie finds no overtact against this petitioner to proceed against him under the grave offence under sections 5 and 6 of POCSO Act.



3. In view of the above reason, this Court is inclined to grant bail to the petitioner subject to certain conditions.

4. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall 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 the learned Special Judge for the exclusive trial of the cases under POCSO Act, Nagapattinam.

(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 is directed to appear before the Investigating Officer as and when required;

(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.

-sd/-
02/03/2022

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 JUDGE FOR THE
EXCLUSIVE TRIAL OF THE CASES UNDER POSCO ACT,
NAGAPATTINAM.

2 THE INSPECTOR OF POLICE,
PORAIYAR POLICE STATION,
MAYILADUTHURAI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to T.ANANTHASEKAR Advocate on payment of necessary charges
SR.NO.3170

CRL OP.4888/2022

Date :02/03/2022

JPA 03/03/2022