



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2022

CORAM:

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

Cr1.O.P.No.5161 of 2022

Kumarakrishnan

.. Petitioner

Vs.

The Inspector of Police,
Aladi Police Station,
Cuddalore District.
(Crime No.178 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No. 178 of 2021 on the file of the Respondent police.

For Petitioner : Mr.S.Saravana Kumar

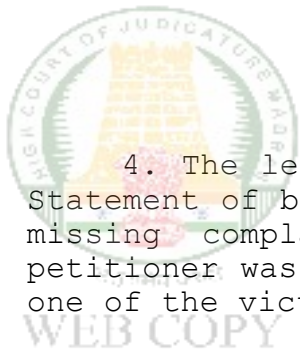
For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested on 15.12.2021 for the offences punishable under Sections 5(1), 6, 11(1), 12 of POCSO Act, in Crime No.178 of 2021, on the file of the respondent police, seeks bail.

2.The petitioner herein is in charge of the children home, who has been arrayed as an accused in the offence punishable under Section 5(1), 6, 11(1), 12 of POCSO Act. Initially, when two minor inmates of the home went missing, the petitioner herein has given a complaint in Crime.No.151 of 2021 reporting the missing of two girls.

3.This complaint was registered by the All Women Police Station, Virudhachalam on 25.10.2021. Later it came to light that, on securing those two girls, one of the minor girl had an affair with one Sasi Raj and the other girl has left the home in view of the misbehavior of the petitioner herein, who used to force the inmates to take bath in an open well and enjoyed seeing them while taking bath.



4. The learned Additional Public Prosecutor submits that the 164 Statement of both the victim girl has already been recorded. The girl missing complaint has been altered to POCSO offence and this petitioner was arrested on 25.10.2021 based on the statement given by one of the victim girl.

5. In view of the above fact, bail is granted to the petitioner and he is ordered to be released on bail subject to the following conditions.

(a) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Virudhachalam.

(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 report before the Investigating Officer as and when required for interrogation.

(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/-

04/03/2022

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 JUDICIAL MAGISTRATE,
NO.II, VIRUDHACHALAM, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
ALADI POLICE STATION,
CUDDALORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S S.SARAVANA KUMAR Advocate on payment of necessary
charges

CRL OP.5161/2022

Date :04/03/2022

CSK 07/03/2022