



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.5638 of 2022

R.Sekar

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
All Women Police Station,
Tindivanam, Villupuram District.
(Crime No.3 of 2021)

.. 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.3 of 2021, on the file of the respondent police.

For Petitioner : Mr.K.A.Mariappan

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

O R D E R

The petitioner, who was arrested on 23.02.2021 for the offences punishable under Sections 342, 506(i) of IPC read with 5(m), 6 of POCSO Act, 2012 in Crime No.3 of 2021, on the file of the respondent police, seeks bail.

2. The petitioner herein was arrested on 23.02.2021 based on the complaint alleging that he had sexually harassed four years old child. The petitioner is 47 years old man and neighbour of the victim girl.

3.Learned counsel for the petitioner would state that the investigation is completed and the final report is filed and the matter is ready for trial. Since the reverse burden is on the petitioner, unless and until he is released on bail, it is difficult for him to defend the case whereas the learned Additional Public Prosecutor states that if the petitioner is released on bail, there is every possibility of tampering the witnesses.



4. Balancing the rival submissions, this court is of the view that the petitioner may be granted bail subject to certain conditions. 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.50,000/- (Rupees Fifty 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, Villupuram.

(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 concerned trial court on the first and 15th of every month and on all the hearing dates.

(d) If there is any complaint of tampering the evidence, the trial court is at liberty to proceed against the petitioner and without any reference to this Court, can cancel the bail granted.

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

(f) 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];

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

-sd/-
28/03/2022

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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, VILLUPURAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TINDIVANAM,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. K.A.MARIAPPAN Advocate on payment of necessary
charges SR.NO. 4607

CRL OP.5638/2022

Date :28/03/2022

RW 29/03/2022