



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.6128 of 2022

Uma Shankar

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
W-18 All Women Police Station,
M.K.B. Nagar,
Chennai-600 039.
(Crime No.27 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 connection with Crime No.27 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.T.I.Ramanathan.

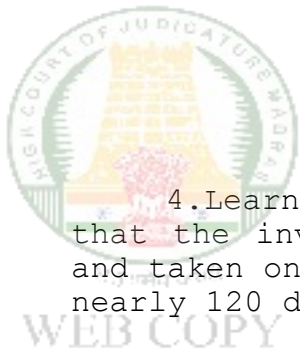
For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested for the offence punishable under Section 8 &7 of POCSO Act and 506(1) of IPC in Crime No.27 of 2021, on the file of the respondent police, seeks bail.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

3.It is a case where the petitioner, who is 33 years old is alleged to have sexually harassed 17 years old girl and when her parents examined her school bag, found a cell phone and some chocolates and thereafter, after enquired their daughter, they came to know that the petitioner herein was providing the cell phone and other materials to the victim girl and taking advantage of that, he had sexually harassed the victim girl.



4.Learned Additional Public Prosecutor for the respondent states that the investigation is completed and the final report also filed and taken on the file of the Special Court. The petitioner is in jail nearly 120 days.

5.Considering the fact that since the investigation already completed including the statement of the victim girl under 164 of Cr.P.C., this Court is of the view that to defend his case and prove his innocence, it is necessary for the petitioner herein to have liberty. Therefore, this Court grants bail to the petitioner herein 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 Special Court for Exclusive Trial of cases under POCSO Act, Chennai

(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 trial court on every Monday at 10.30 a.m. and attend the Court on all hearings without fail.

(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/-

17/03/2022

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.



1 THE SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON-II, PUZHAL, CHENNAI.

3 THE INSPECTOR OF POLICE,
W-18, ALL WOMEN POLICE STATION,
M.K.B.NAGAR, CHENNAI-600 039.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.VASANTHAN.B Advocate on payment of necessary charges
SR.NO. 4095

CRL OP.6128/2022

Date :17/03/2022

RW 21/03/2022