



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM:

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

Cr1.O.P.No.6239 of 2022

Sadhik Basha

... Petitioner

Vs.

State rep. by
The Inspector of Police,
W-13, AWPS Washermenpet Police Station,
Chennai.
(Crime No.14 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner in connection with Crime No.14 of 2021 on the file of respondent police.

For Petitioner : Mr.S.Senthil Kumar

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

ORDER

The petitioner, who was arrested on 07.12.2021 for the offences punishable under Sections 10, 11(1) r/w 12 of POCSO Act and 4(1)(j) of TNP Act and 509 and 506(ii) of IPC in Crime No.14 of 2021, on the file of the respondent police, seeks bail.

2. The allegation against this petitioner is that on 06.12.2021 at about 4 p.m, the defacto complainant's daughter aged about 7 years was going to buy certain articles for her project work. The accused/petitioner was sitting in the auto bearing registration number TN 10 P 2092 and singing "Darling Darling" song. On seeing the defacto complainant's daughter, he asked her daughter to stop and asked her to accompany with him to some other place and he pulled her by touching on her shoulder. When her daughter ran from there, he followed her. Then, the public around there, chased the petitioner. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case due to quarrel with defacto complainant. It is his specific submission that the petitioner is under Judicial custody from 07.12.2021 onwards and as of now, substantiated portion of investigation has been completed. Hence he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the investigation is over and the final report is filed before the Court and it is yet to be taken cognizance by the Court.

5. The submissions made by the learned Counsel on either side are considered and perused the records especially the copy of the 164 Cr.P.C. statement recorded by the learned Judicial Magistrate.

6. Reading of First Information Report and the statement given by the victim under Section 164 Cr.P.C, shows that the allegations against this petitioner is that he sang a song "Darling Darling" on seeing the victim and gave a sexual harassment by chasing her with an intention to abuse her sexually. The investigation in this case is over and final reports is filed. The petitioner is in judicial custody from 07.12.2021.

7. Considering the facts and circumstances of the case, the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and that the investigation was completed, this Court is inclined to grant bail to the petitioner with conditions.

(a) the petitioner is ordered to be released on bail to 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 Sessions Judge, 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 shall report before the respondent police once in 15 days i.e on alternative Monday at 10.30 a.m., until further orders;



(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];

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

-sd/-
18/03/2022

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, CHENNAI.

2 THE INSPECTOR OF POLICE,
W-13, AWPS WASHERMENPET POLICE STATION,
CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON-II, PUZHAI, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SENTHIL KUMAR Advocate on payment of necessary charges SR.NO.4167

CRL OP.6239/2022

Date :18/03/2022

JPA 18/03/2022