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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2022

CORAM

THE HONOURABLE Mr.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.6772 of 2022

Shawn Jazeel

... Petitioner/Accused 1

Vs.

The State of Tamilnadu,
Represented by Inspector of Police,
W4 All Womens Police Station, (CR.No.6 of 2021)
Kilpauk, Chennai.

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the Sessions Judge Special Court for Exclusive Trial under POCSO Act Chennai to receive the application filed under Section 167(2) Cr.P.C in Crl.M.P.Sr. No.353 of 2021 and entertain the same and release the petitioner on default bail in Cr.No.6 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Devaraj

For Respondent : Mr. A.Damodaran
Additional Public Prosecutor

O R D E R

The petitioner filed a petition for mandatory bail under Section 167(2) of Code of Criminal Procedure in Crl.M.P.Sr.No.353 of 2021 for default bail in Crime No.6 of 2021. However, after considering the same and calculating the charge sheet being filed as within 90 days, the learned trial Court did not entertain the said petition and returned the same. However the 2nd accused namely R.Henry Paul in the very same case, who was also remanded on the very same date, filed a Criminal Original Petition in Crl.O.P.No.14316 of 2021 before this Court. Thereby, considering the said case in detail, this Court found that the charge sheet was not filed within 90 days and ordered that the said accused to be released on bail on 31.01.2022.



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2. The learned Additional Public Prosecutor appearing for the respondent would submit that he is unable to point out any difference between the case of this petitioner and the said accused No.2.

3. In that view of the matter, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), before the Superintendent of the Central Prison, Puzhal. Thereafter on his release, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand Only) before the learned Special Court for Exclusive Trial under POCSO Act at Chennai, within 15 days from the date of receipt of a copy of this order, failing which the bail granted by this order shall stand automatically cancelled subject to the other conditions as follows:

(a) the petitioner to appear before the trial Court on all hearing dates.

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned 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]; and;

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

Sd/-
Vacation Officer

//True copy//

Sub Assistant Registrar

rpl/anu



To

1. The Sessions Judge Special Court for
Exclusive Trial under POCSO Act
Chennai.

2. Inspector of Police,
The State of Tamilnadu,
W4 All Womens Police Station,
Kilpauk Chennai.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Devaraj, Advocate SR.No.31806

Cr1.O.P.No.6772 of 2022

SSN(CO)
GMY(31/05/2022)