



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.7348 of 2022

Prakash

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Kottakuppam, Villupuram District.
(Crime No.26 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.26 of 2021 on the file of Respondent police.

For Petitioner: Mr.A.Ponlingam

For Respondent: M/s.G.V.Kasthuri
Additional Public Prosecutor
DATED:31/03/2022

: MR.S.SANTHOSH, Govt. Advocate (Crl. Side)
DATED:07/04/2022
[CRL.MP.NO.4712/2022 IN CRL.OP.NO.7348/2022]

ORDER

The petitioner, who was arrested and remanded to Judicial Custody on 28.12.2021 for the offences punishable under **(*) sections 452 & 506(2)** IPC and Section 8 of POCSO Act 2012 in Crime No.26 of 2021, on the file of the respondent police, seeks bail.

2. The petitioner herein aged about 35 years, alleged to have sexually harassed 14 years old girl. Hence, he was arrested on 28.12.2021.



3. The learned Additional Public Prosecutor submits that investigation completed and the final report is yet to be taken on filed and further the statement of the victim girl was also recorded under section 164 Cr.P.C by the learned Judicial Magistrate.

4. Considering the facts and circumstances of the case and also considering that the investigation has already been completed and further the petitioner is carrying reverse burden of proof, this Court is inclined to grant bail to the petitioner

5. 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 Special Court for 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 shall report before the trial Court on 1st and 15th of every month till the completion of the trial proceedings.

(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.

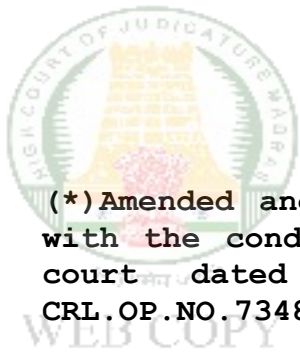
-sd/-

30/03/2022

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.



(*) Amended and further the time granted to the petitioner to comply with the condition is extended till 20.04.2022 as per order of this court dated 07.04.2022 made in CRL.MP.NO.4712 of 2022 in CRL.OP.NO.7348 of 2022.

TO

1 THE SPECIAL COURT FOR POCSO ACT,
VILLUPURAM.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KOTTAKUPAM, VILLUPURAM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.A.PONLINGAM Advocate on payment of necessary charges
SR.No.5382

CRL OP.7348/2022

Date :30/03/2022

CSK 31/03/2022

CSK 11/04/2022