



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.8563 of 2022

M.Magesh

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
ATC, CBCID, Egmore,
Chennai-08
(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 Station.

For Petitioner : M/s.R.Poornima

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

ORDER

The petitioner, who was arrested on 03.02.2022 for the offences punishable under Sections 174 Cr.P.C, 305, 366(A), 376(2)(a) of IPC and Section 5 (iii) (iv) read with Section 6 of POCSO Act in Crime No.3 of 2021, on the file of the respondent police, seeks bail.

2. The petitioner is a Policeman. He was arrested on 03.02.2022 in connection with a suicide of a minor girl, who was found pregnant at that point of time. She has committed suicide after leaving some voice record in her mobile phone and the same was recovered by the police. Considering the position of the petitioner/accused, the case has been transferred to CBCID and the case for the alleged offence under sections 174 Cr.P.C, 305, 366(A), 376(2)(a) of IPC and Section 5 (iii) (iv) read with Section 6 of POCSO Act has been registered against this petitioner and it is under investigation.

3.The transcript of the voice recorded by the Investigating Officer perused. It is stated that for comparison of the sample voice of the accused was also taken and forwarded to the expert for his opinion.



4. Considering the fact that this petitioner was arrested on 03.02.2022 and had cooperated for the investigation by offering his sample voice for investigation and also taking note of the fact that he is a Government servant been placed under suspension in view of the arrest and the pendency of the criminal case, this Court is inclined to grant bail to this petitioner. 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, at 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 appear before the Investigating Officer as and when required.

(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/-

13/04/2022

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, CHENNAI.



2 THE INSPECTOR OF POLICE,
ATC, CBCID, EGMORE,
CHENNAI-08.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. R.POORNIMA Advocate on payment of necessary charges
SR.No.5632

CRL OP.8563/2022

Date :13/04/2022

CSK 13/04/2022