



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11534 of 2022

AEJAZ AHMED

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
VANIYAMBADI ALL WOMEN POLICE STATION
VANIYAMBADI AND THIRUPATHUR DISTRICT.
(CRIME NO.01 OF 2022)

[RESPONDENT]

For Petitioner : M/S.G.VINODHKUMAR Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 26.02.2022 for alleged offence under Sections 11(4) and 12 of POCSO Act, 2012 in Crime No.01 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who is a married man aged about 38 years attempted to misbehave with the victim girl aged about 17 years.

3. Heard Mr.G.Vinodhkumar, learned counsel for the petitioner and Mr.S.Santhosh, learned Government Advocate (Criminal Side) for the respondent.

4. It is seen from the statement given by the victim girl under Section 164 Cr.P.C. that the petitioner had sexually harassed her.

5. Learned Government Advocate (Criminal Side) submitted that the investigation has been completed and final report has been filed and it has been taken on file in Spl. S.C.No. 97 of 2022 by the Special Court for Exclusive Trial of Cases under POCSO Act, Vellore.



6. Taking into consideration the facts and circumstances of the case and also the fact that the petitioner has already suffered incarceration for nearly 55 days and the investigation has already been completed in the present case, this Court is inclined to enlarge the petitioner on bail by imposing stringent conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum, of which, one surety shall be the wife of the petitioner, to the satisfaction of the Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore, and on further conditions that:-

[a] 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.

[b] the petitioner shall report before the Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore on every Monday at 10.30 a.m., for a period of 12 weeks.

[c] the petitioner shall attend every hearing date fixed by the trial Court and co-operate for the early disposal of the case.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

19/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



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