



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.11705 of 2022

Ashok Kumar

.. Petitioner

Vs.

State Rep. by
The Inspector of Police,
All Women Police Station,
Sethiyathoppu,
Cuddalore District.
(Crime No.18 of 2021)

.. Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail relating to Crime No.18 of 2021 on the file of the Inspector of Police, All Women Police Station, Sethiyathoppu, Cuddalore District.

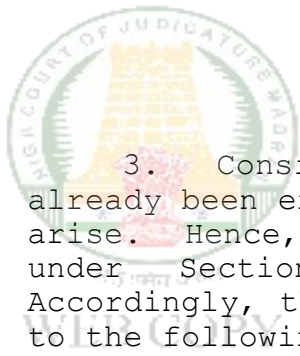
For Petitioner : Mr.N.U.Pressanna

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner herein was arrested on 25.11.2021 for the alleged offence under Section 5(m) and 6 of POCSO Act in Crime No.18 of 2021, on the file of the respondent police, seeks bail.

2. After completion of investigation, final report filed and taken on file in Spl.S.C.No.18 of 2022. It is stated that the victim girl and the other two eye witnesses examined on 21.06.2022 and the matter is posted for examination of further P.Ws.



3. Considering the fact that the victim and eye witnesses have already been examined, the apprehension of tampering evidence does not arise. Hence, this Court is inclined to grant bail to the petitioner under Section 167(2) of Cr.P.C., with certain conditions. 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 Special Court for Exclusive Trial of cases under POCSO Act, Cuddalore and attend the trial without fail.

(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 not tamper with evidence or witness either during investigation or trial;

(d) 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];

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

-sd/-
24/06/2022

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 SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
CUDDALORE



2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SETHIYATHOPU, CUDDALORE DISTRICT.

3 THE SUPERINTENDENT OF POLICE
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.N.U.PRESSANNA Advocate on payment of necessary
charges SR.NO.9862

CRL OP.11705/2022

Date :24/06/2022

JPA 24/06/2022