



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Second day of June Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice C.V.KARTHIKEYAN
CRIMINAL ORIGINAL PETITION No.13020 of 2022

MANI @ JAYAMANI

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VELLORE DISTRICT.
CRIME NO.9 OF 2022

[RESPONDENT]

For Petitioner : M/S.G.VINODH KUMAR Advocate

For Respondent : M/S. RAJ THILAK, Govt. Advocate (Crl. Side)

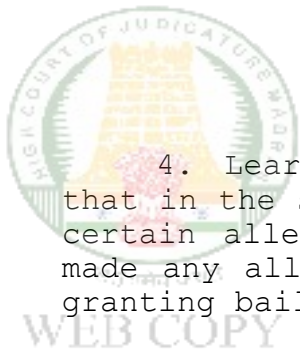
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The first accused in Spl.S.C.No.108 of 2022 on the file of Special Court for exclusive trial of cases under POCSO Act, Vellore, is before this Court seeking bail in view of the registration of First Information Report in Crime No.9 of 2022 by the respondent police u/s.354 A(ii), 109 of IPC r/w Section 8 and 17 of POCSO Act, 2012 @ 354(A) of IPC and Sections 10, 16, 17, 9(1), 9(n) of POCSO Act, 2012.

2. The petitioner is the foster father of the victim child and the second accused is the mother of the victim child. Before proceeding further, it must be stated that A2 has already been granted bail.

3. It is the contention of the learned counsel for the petitioner that even on 03.03.2022, much prior to the date of complaint on 18.03.2022, an Advocate notice has been issued alleging that the employer of A2 along with her brothers, have caused harassment to her. It was also stated that taking umbrage, there was a possibility of lodging a false complaint against the petitioner. A reply dated 06.03.2022 has also been issued to the notice dated 03.03.2022. It is therefore stated by the learned counsel that it is evident that an apprehension had been raised by the petitioner, even before the registration of the FIR.



4. Learned Additional Public Prosecutor, however, pointed out that in the statement recorded u/s.164 Cr.P.C., the victim child made certain allegations as against the petitioner herein, but, had not made any allegations against A2 and that was the primary reason for granting bail to A2.

5. In view of the facts presented by both sides, this case requires further investigation. However, it is seen that the petitioner herein is in incarceration for more than 75 days. The investigating officer may examine the issues raised in the notice dated 03.03.2022 and also in the reply notice dated 06.03.2022 and examine those individuals also before taking up the onerous task of filing the final report.

6. On a perusal of the dismissal order of the Court below, this Court finds that the issuance of notice dated 03.03.2022 was also brought to the knowledge of the Court below. In the aforesaid circumstances, I hold that the petitioner can be granted the relief sought with conditions.

Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judge for exclusive trial of cases under POCSO Act, Vellore and on further condition 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 C2 Race Course Police Station, Coimbatore, daily at 10.30 am., until further orders.

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

[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 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 shall be 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/-

02/06/2022

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 JUDGE FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
VELLORE

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
C2, RACE COURSE POLICE STATION,
COIMBATORE.

CC to M/S.G.VINODH KUMAR Advocate on payment of necessary
charges Sr.8448

CRL OP.13020/2022

Date :02/06/2022

RVR 02/06/2022