



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.13761 of 2022

M.PRABU @ APPU

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
C-7, AWPS, TINDIVANAM,
VILLUPURAM DISTRICT.
(CRIME NO. 22 OF 2021)

[RESPONDENT]

For Petitioner : M/S.K.NAGARAJAN Advocate

For Respondent : MR.R.KISHORE KUMAR, 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 30.12.2021 for the alleged offence under Sections 366, 342, 354A, 323 and 506(i) I.P.C. and 8, 5(1), 6, 17 of Protection of Children from Sexual Offences (POCSO) Act, 2012 in Crime No.22 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused kidnapped the victim girl, who is aged about 17 years and wrongfully restrained along with 2nd accused, thereby the 2nd accused, who was a Saint committed the offence of sexual penetration against the willingness of the victim girl and also caused criminal intimidation. Thereafter, again the 1st accused took the victim girl and wrongfully restrained her along with 3rd accused. Hence, the complaint.

3. The learned counsel appearing for petitioner submitted that this is the third petition praying for bail and the petitioner is arrayed as A1. He would submit that he is in jail for more than six months, already A3 was granted bail, final report also filed and the trial is pending before the POCSO Court at Villupuram. Hence, he prays to grant bail to the petitioner.



4. According to the prosecution, the petitioner, being an auto driver, has driven the auto on the date of alleged occurrence, wherein, A1 and victim girl were travelling. With regard to his participation in this occurrence is that he has driven the auto belong to A2 on the date of alleged occurrence. Now, the investigation was completed, final report also filed and 164 statement was also recorded.

5. Considering the facts and circumstances, and also the fact that investigation was completed, final report was filed and already co-accused was released on bail, and the petitioner had already suffered incarceration for nearly 166 days, this Court is inclined to enlarge the petitioner on bail.

6. 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 to the satisfaction of the learned POC SO Court at Villupuram, Villupuram District 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 respondent police every Monday and Saturday at 10.30 a.m. and also appear before the trial court regularly without fail;

[c] the petitioner should not have any communication with the victim girl;

[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.

WEB COPY

-sd/-

15/06/2022

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 POSCO COURT
VILLUPURAM, VILLUPURAM DISTRICT.

2 THE INSPECTOR OF POLICE,
C-7, AWPS, TINDIVANAM,
VILLUPURAM DISTRICT.

3 THE SUPERINTENDENT,
DISTRICT CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.K.NAGARAJAN Advocate on payment of necessary charges SR.No.9095

CRL OP.13761/2022

Date :15/06/2022

CSK 15/06/2022