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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.13973 of 2022

Senthil

..Petitioner

Vs.

State represented by
Inspector of Police,
All Women Police Station,
Thiruthuraipoondi,
Thiruvarur District.
Crime No.06 of 2022

..Respondent

PRAYER:-

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in the above said crime No.06 of 2022 pending investigation on the file of the respondent police.

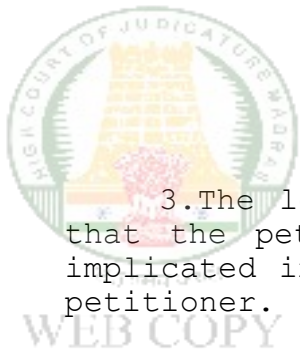
For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.04.2022 for the offence under Sections 294 (b), 506 (1), 448 I.P.C. r/w Section 18 of POCSO Act, 2012 in crime No.06 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl aged about 7 years. While she was sleeping in her house, the petitioner allegedly have removed the bedsheet used by the victim. It was noticed by the neighbour and informed to the mother of the victim girl. Hence, the complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in the present case and he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the victim girl is aged about 7 years. While she was sleeping in her house, the petitioner allegedly have removed the bedsheet used by the victim. On perusal of the statement recorded under Section 164 Cr.P.C, which revealed the same. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the period of incarceration undergone by the petitioner from the date of his arrest namely on 19.04.2022, this Court is inclined to grant bail to the petitioner on certain conditions.

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 blood related sureties, each for a like sum to the satisfaction of the Sessions Court, Fast Track Mahila Court, Thiruvavur, 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 daily at 10.30 a.m for a period of four weeks and thereafter as and when required.

[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.

[d] 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].



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

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-sd/-

17/06/2022

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 SESSIONS COURT,
FAST TRACK MAHILA COURT, THIRUVARUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

3 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUTHURAIPOONDI,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary charges SR.NO. 9406

CRL OP.13973/2022

Date :17/06/2022

RW-17/06/2022