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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.15313 of 2022

1. Prabu .. Petitioners
2. Vengadesan
3. Babu
4. Elumalai

/versus/

The State of Tamilnadu .. Respondent
Through the Station Housing Officer,
All Women Police Station (Cr.No.2 of 2022)
Gingee, Villupuram District.

Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioners on bail in Crime No.2 of 2022 on the file of the respondent police.

For Petitioners : M/s.M.Devaraj

For Respondent : Mr.S.Udaya Kumar,
Government Advocate (Cr1.Side)

ORDER

These petitioners are arrayed as accused Nos.4, 5, 6 & 8, who were arrested and remanded into judicial custody on 10.01.2022 for the alleged offences punishable under Sections 5(1), 5(j)(ii), 6, 16, 17, 19, 21(1) of POCSO Act in Crime No.2 of 2022 on the file of the respondent police, seek bail.

2. The victim girl aged about 15 years was found five months pregnant and on enquiry, she had disclosed the names of few adult male members of her village. These petitioners are some among them. When the petitioners moved bail before this Court, taking note of the fact that final report not yet filed and the petitioners are hailing from the same village to avoid distractions of evidence, the petition was dismissed.



3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the investigation is completed and final report has been filed and taken on file in Special S.C.No.115 of 2022 by the POCSO Court, Villupuram and the case is posted for framing charges.

4. In the light of the fact that the investigation is completed, this Court is inclined to grant bail to the petitioners.

5. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:-

(a) the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees twenty five thousand only) each**, with two sureties, each for a like sum to the satisfaction of the learned Special Court for Exclusive Trial under POCSO Act, Villupuram;

(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 petitioners are directed to report before the Investigating Officer every Monday at 10.00 a.m., and on all hearing dates without fail;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560];



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

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-sd/-
04/07/2022

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 UNDER POCSO ACT,
VILLUPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATION HOUSING OFFICER
ALL WOMEN POLICE STATION,
GINGEE, VILLUPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

+1 CC to M/S M.DEVARAJ Advocate on payment of necessary charges
SR.NO.10369

CRL OP.15313/2022

Date :04/07/2022

TA-05/07/2022