



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2022

CORAM:

THE HON'BLE MR. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.14425 of 2022

Sudhakar @ Arul

.. Petitioner

Vs.

State rep. by the
Inspector of Police,
All Women Police, Gingee,
Villupuram District.
(Cr.No.10 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.10 of 2022 on the file of the respondent police.

For Petitioner : Mr.R.Babu

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.02.2022 for the offences punishable under Sections 342, 506(i) of IPC and under Section 6 of POCSO Act, 2012, in Crime No.10 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner, who is a married man, aged about 26 years had committed the offence of sexual penetration many times against the willingness of the victim, knowing the fact that she is a minor. Thereby, the defacto complainant who is the aunt of the victim had lodged a complaint before the respondent police against the petitioner. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has been in judicial custody for more than 120 days. Hence, he prays for grant of bail to the petitioner.



4.The learned Government Advocate (Crl. Side) would submit that after completion of investigation, charge sheet has been filed in this case. However, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and taking note of the fact that the charge sheet has been filed in this case and also taking into account the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for exclusive trial of cases 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 petitioner shall report before the respondent police once in a week i.e., on every Monday at 10.30 a.m., for a period of two months and thereafter, as and when required for interrogation.

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) 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];



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

WEB COPY

-sd/-

23/06/2022

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 JUDGE
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, VILLUPURAM.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
GINGEE, VILLUPURAM DISTRICT.

3 THE OFFICER INCHARGE
SUB JAIL, VEDAMPATTU, VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.BABU Advocate on payment of necessary charges
SR.No.9812

CRL OP.14425/2022

Date :23/06/2022

CSK 23/06/2022