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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM

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

Cr1.O.P.No.15448 of 2022

Ejas @ Aejaaz Ahmed

...Petitioner

Vs.

State, Rep. by
The Inspector of Police,
All Women Police Station,
Ambur, Vellore District.
Crime No.2 of 2020

...Respondent

PRAYER:-Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in Crime No.2 of 2020 on the file of the Inspector of Police, All Women Police Station, Ambur, Vellore District.

For Petitioner : Mr.C.Prabakaran

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.04.2022 for the offence under Sections 3(1), 4(2)(b), 5(1)(a) of ITP Act read with Section 366-A of IPC and Section 3(a), 17 of POCSO Act, 2012 in Crime No.2 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused indulged the victim child in immoral trafficking. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any such offence as alleged by the prosecution. That apart, the petitioner was arrested and remanded to judicial custody on 29.04.2022. Hence, he prays for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor submitted that the statement of the victim girl under Section 164 of Cr.P.C was also recorded and earlier this Court dismissed the petitioner's bail petition in CrI.O.P.No.13419 dated 14.06.2022. However, he opposed to grant bail to the petitioner.

5. On perusal of the statement of the victim girl recorded under Section 164 of Cr.P.C reveals that initially the victim girl worked in a beauty parlour and thereafter she was compelled to involve in prostitution and when she refused to do so, the accused persons harassed her. However, she escaped from the prostitution house and lodged a complaint.

6. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner i.e., from 29.04.2022, this Court is inclined to grant bail to the petitioner.

7. Accordingly, 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 learned Special Judge for Exclusive Trial of Cases under POCSO Act-2012, Vellore, Vellore 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 stay at Coimbatore and report before the Peelamedu B6 Police Station, Coimbatore daily at 10.30 a.m., for a period of four weeks and thereafter report before the respondent police daily at 10.30 a.m., 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 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.

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-sd/-

05/07/2022

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 JUDGE FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT-2012,
VELLORE, VELLORE DISTRICT.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AMBUR, VELLORE DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. C.PRABAKARAN Advocate on payment of necessary
charges SR.No.10762

CRL OP.15448/2022

Date :05/07/2022

CSK 06/07/2022