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Crl.OP.No.17897 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2022

CORAM

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

Crl.OP.No.17897 of 2022

Samuel P. Montez

...Petitioner

Vs.

The State Rep. by,
The Inspector of Police,
Jolarpet Police Station,
Vellore.

(Crime No.79 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.79 of 2022 on the file of the respondent police.

For Petitioner :Mr.K.Karthik

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 15.05.2022 for the offences punishable under Sections 7 and
18 of POCSO Act 2012 in crime No.79 of 2022 on the file of the
respondent police, seeks bail.



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2. The case of the prosecution is that, during the journey in the train, the petitioner misbehaved with the *de-facto* complainant's daughter. Hence, the complaint.

3. On perusal of the statement recorded under Section 164 of Cr.P.C. revealed that when the *de-facto* complainant family travelled in the train, the petitioner also travelled in the same train. At that time, the petitioner touched the victim girl and immediately, it was informed to the *de-facto* complainant.

4. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e., 15.05.2022, this Court is inclined to grant bail to the petitioner. 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 Special Judge for Exclusive Trial of Case under POCSO Act Vellore District**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb



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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 twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

[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.

01.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

1. The Special Judge for Exclusive Trial of Case
under POCSO Act Vellore District
2. The Inspector of Police,
Jolarpet Police Station,
Vellore.
3. Sub-Jail,
Vellore.
4. The Public Prosecutor,
High Court of Madras

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