



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2022

CORAM:

THE HON'BLE **Dr. JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.18291 of 2022

Bennet Richardson

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
W-17, All Women Police Station,
Peravallore,
Chennai-600 073.
(Cr.No.06 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending trial in S.C.No.160 of 2021 on the file of the Special Court for exclusive trial of cases under POCSO Act, Chennai.

For Petitioner : Mr.R.Vijayaraghavan

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



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ORDER

The petitioner along with another accused has been arrested for the alleged offences under Sections 6 r/w.5(d), 10 r/w.9(d) of the POCSO Act, 376(2) of IPC, Section 17, 10 r/w.9(d), 21(2) of the POCSO Act in Crime No.06 of 2021, on the file of the respondent police, seeks bail.

2. This petitioner on coming to know about the case registered against him and another person by the respondent police, on 11.08.2021 for the offences under Sections 6 r/w.5(d), 10 r/w.9(d) of the POCSO Act, 376(2) of IPC, Section 17, 10 r/w.9(d), 21(2) of the POCSO Act, surrendered before the Special Court for exclusive trial of cases under POCSO Act, Chennai and was remanded to judicial custody.

3. Earlier when the petitioner approached this Court for bail, taking note of the fact that the complaint was given by the Child Welfare Committee Member regarding sexual assault on the minor girl who was staying in the MCCSS Home, in which the 1st petitioner was working as a driver. Considering the fact that the investigation is completed and trial is



commenced, to avoid tampering of witnesses the earlier bail petition was dismissed.

4. Now, after lapse of 5 months, the petitioner has revived his bail petition stating there is no progress in the trial and after framing of charges summons has been issued to the witnesses for appearance on 08.08.2022.

5. Taking note of the fact that the petitioner is in prison for more than one year and the trial not commenced and he seeks bail to engage counsel to effectively defend him. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with two sureties, each for a like sum to the satisfaction of the learned **Special Court for exclusive trial of cases under POCSO Act, Chennai;**



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(b) In case any attempt made by the petitioner to tamper the witnesses brought to the notice of the Investigating Officer, the same shall be reported to the trial Court and bail shall be cancelled without any reference of this Court;

(c) 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;

(d) the petitioner is directed to appear before the trial Court on all working days and on the date of 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.

05.08.2022

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To
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1. The Special Court for exclusive trial of cases under POCSO Act,
Chennai.
2. The Inspector of Police,
W-17, All Women Police Station,
Peravallore,
Chennai-600 073.
3. The Superintendent of Prison,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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