



WEB COPY



CrI.OP.No.20950 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2022

CORAM

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

CrI.OP.No.20950 of 2022

R.Kalyana Kumar

...Petitioner

Vs.

The State of Tamilnadu,
Rep by its Inspector of Police,
W-16 AWPS Pulianthope.
(Crime No.15 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.15/2022 on the file of W-16 Inspector of Police, AWPS Pulianthope, Chennai.

For Petitioner :Mr.N.S.Siva Kumar

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 27.06.2022 for the offences punishable under **Sections 11(5) read with 12 & 14(1), 15 of Protection of Children from Sexual**



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Offences Act 2012 in Crime No.15 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner had recorded a video in the cell phone when the victim girl was changing her dress. Hence, the complaint.

3. On perusal of the statement recorded under Section 164 of Cr.P.C. it reveals nothing as alleged in the First Information Report. Even as per the First Information Report, the petitioner had taken the videograph and there was no sexual assault by the petitioner on the victim girl.

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., 27.06.2022, 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



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**learned Sessions Judge and Special Court for Trial Exclusive in
POCSO Act, Chennai 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 report before the respondent police daily at 10.30 a.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.

02.09.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Sessions Judge and Special Court for Trial Exclusive
in POCSO Act, Chennai.
- 2.The Inspector of Police,
W-16 AWPS Pulianthope.
- 3.Central Jail – Puzhal,
Mahalakshmi Nagar
New Central Jail – Chennai 600 066.
- 4.The Public Prosecutor,
High Court of Madras

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