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Crl.O.P.No.21196 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2022

CORAM0

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21196 of 2022

L.Deepak

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Chennai Central Railway Police Station,
Chennai.
Crime No.161 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.161 of 2022 pending
investigation on the file of the respondent.

For Petitioner : Mr.B.S.Manikandan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.06.2022 for the offences punishable under Section 10 of POCSO and Section 506(ii) of IPC, in Crime No.161 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who is a Railway Attendant had abused the victim girl, when she had gone into the bath room, the petitioner had also gone into the bath room and had committed sexual assault on the victim girl. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a Railway Attendant and due to a quarrel, he has been falsely implicated in this case. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the victim is a North Indian girl, who had



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traveled to Tamil Nadu for taking medical treatment and while she was returning back in train, she had gone into the bath room, the petitioner, who is a Railway Attendant, had also gone inside and had molested her. He would further submit that the petitioner was arrested on 06.06.2022 and he is in custody for more than 90 days. He would also submit that the investigation has been completed and the final report has also been filed and it is yet to be taken on file. He would further submit that the defacto complainant and the victim are from other State and if the petitioner is granted bail, he will not be available for trial. Therefore, he vehemently opposed to grant bail to the petitioner.

5. At this juncture, in reply, learned counsel for the petitioner would submit that the petitioner undertakes to abide by any stringent conditions that may be imposed on him and to appear before the trial Court everyday till the defacto complainant and the victim girl are examined by the Court and he also undertakes to cooperate for the speedy disposal of the trial. Therefore, he prays for grant of bail to the petitioner.



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6. Heard both the learned counsel and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also the fact that the petitioner undertakes to appear before the trial Court everyday till the defacto complainant and the victim girl are examined by the Court, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties** (out of which one surety should be a blood related surety), each for a like sum to the satisfaction of the **learned Special Court for Exclusive Trial of Cases Under 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;



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[b] the petitioner shall stay at Chennai and appear before the learned Special Court for Exclusive Trial of Cases Under POCSO Act, Chennai, daily at 10.30 a.m., on all working days and also report before the respondent police every Saturday and Sunday 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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A.D.JAGADISH CHANDIRA., J.

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To

1. The Principal Special Court
for Exclusive Trial of Cases Under POCSO Act,
Salem
2. The Inspector of Police,
Chennai Central Railway Police Station,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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