



Crl.O.P.No.21932 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2022

CORAM

THE HON'BLE Dr.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.21932 of 2022

K.Babu,
S/o.Kuttapan.

... Petitioner

-Vs.-

The State rep. by,
The Inspector of Police,
All Women Police Station,
Tiruppur South,
Tiruppur District.
(Crime No.1 of 2022)

.. Respondent

Criminal Original Petition filed under Section 439 of Code of Criminal Procedure to enlarge the petitioner on bail in Spl.S.C.No.47 of 2022 on the file of Fast Track Mahila Court, Tiruppur in Crime No.1 of 2022.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.N.S.Suganthan,

Government Advocate (Criminal side)



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ORDER

This Criminal Original Petition has been filed to enlarge the petitioner on bail in Spl.S.C.No.47 of 2022 on the file of Fast Track Mahila Court, Tiruppur in Crime No.1 of 2022.

2. The petitioner herein seeks bail in the case, where he was facing trial for the offences under Sections 5(1) and 6 of Protection of Children from Sexual Offences (POCSO) Act, 2012. The earlier bail petitions were dismissed on the ground that the petitioner may tamper the witness.

3. Today the learned counsel for the petitioner submitted that the victim girl has already been examined, both chief and cross, and she has spoken about the incident. Therefore, there is no possibility of tampering any witness and the petitioner needs liberty for effective defense.

4. Taking note of the fact that the key witness has already been examined, both chief and cross, this Court is of the view that the petitioner may be granted bail subject to certain conditions. Accordingly,



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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 **Fast Track Mahila Court, Tiruppur;**

(b) 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;

(c) **the petitioner shall appear before the trial Court on every Monday at 10.30 a.m till the completion of trial** and shall not have any communication with the victim girl and her family members and the petitioner shall also appear before the concerned court on all hearings without fail and cooperate for the expeditious completion of trial;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during



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investigation or trial;

(f) 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]***; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

6. Accordingly, this Criminal Original Petition is allowed.

19.09.2022

Speaking/Non-speaking order

Index: Yes/No

Internet : Yes/No

nsa



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To

- 1.The Fast Track Mahila Court,
Coimbatore.
- 2.The Inspector of Police,
All Women Police Station,
Tiruppur South,
Tiruppur District,
(Crime No.1 of 2022)
- 3.The Superintendent of Prison,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN.J.,

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