



CrI.MP.No.14420 of 2022
in CrI.O.P.No.19274 of 2020

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A.D.JAGADISH CHANDIRA, J.,

This petition has been filed seeking to cancel the bail granted to the first respondent/accused in CrI.OP.No.19274 of 2020 dated 08.02.2021.

2. The petitioner is the wife and the first respondent is the husband. On the complaint given by the petitioner a case in Cr.No.4 of 2020 came to be registered against the first respondent for the offences under Sections 3, 4, 5(l), 5(n), 6, 9(l), 9(n) and 10 of the POCSO Act 2012. The first petitioner was arrested on 10.02.2020 and directed to be released on bail by this Court under Section 167(2) Cr.PC in CrI.OP.No.19274 of 2020 dated 08.02.2021, with certain conditions. The present petition has been filed by the petitioner/wife/defacto complainant to cancel the bail on the ground of violation of bail conditions. The contention of the counsel for the petitioner/wife is that the first respondent/accused had inviolation of the condition had contacted the victims (wife and children) through email and attempted to interfere with the witnesses and tamper with evidence.

3. When the matter was listed on the earlier hearings M/s.Deepika



Murali had sought for cancellation of bail.

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4. Mr.Ajmal Khan, learned Senior Counsel appearing for the first petitioner/husband submitted that the first respondent had sent a common email to his children to advise them with regard to their studies and their future and he also submitted that the first respondent/accused would not send any emails or he would not attempt to contact his wife or children and he also undertook to file an affidavit before this Court. Pursuant to the undertaking the affidavit has been filed today.

5. Today, Mr.I.Calvin Jones, representing the first respondent/accused submitted that the copy of the affidavit has been served on the counsel for the petitioner/wife and the same has been filed before this Court.

6. The affidavit of the first respondent/accused dated 22.11.2022 is taken on record. The relevant portion of the affidavit is extracted hereunder :-

"3. I respectfully state that the petitioner herein, has lodged a complaint against me, before the 2 respondent herein, in Crime No.4 of 2020, for offence under sections 3, 4, 5(l), 5(n), 6, 9(l), 9(n) and 10 of the POCSO Act and the same is



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pending trial before the Hon'ble POCSO Court, Chennai.

4.I humbly submit that, pursuant to the registration of FIR in Cr.No.4 of 2020, the 2nd respondent herein arrested me on 06.11.2020 and later I was released on regular bail filed by me, before this Hon'ble Court in Crl.OP.No.19274 of 2020 vide order dated 08.02.2021, with certain conditions and the same has been complied by me without any default.

5.I humbly state that the petitioner herein have filed a petition for cancellation of Bail.

6.I submit that I had mailed by family only on the larger interest of our child's education in order to advice my daughter to choose her career wiser, and I visited my son's school to pay his tuition fee. While so, I never had any intention to tamper with the evidence or witness either during investigation or trial.

7. I respectfully submit that, henceforth, I undertake that I would not either contact nor attempt to contact either my children nor my wife or other witnesses connected with this case either through person or otherwise through any other channel leading towards them."



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A.D.JAGADISH CHANDIRA, J.,
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7. Recording the submissions and the affidavit dated 22.11.2022 filed by the first petitioner/accused, this criminal miscellaneous petition for cancellation of bail is closed.

24.11.2022

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