



CrI.O.P.No.24067 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HON'BLE MR. JUSTICE **SATHI KUMAR SUKUMARA KURUP**

CrI.O.P.No.24067 of 2022

S.Gopinath

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
All Women Police Station,
Ranipet,
Ranipet District.
(Crime Number.5 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail, concerned in Crime Number 5 of
2022 (on the file of the respondent police).

For Petitioner : Mr.J.Prakasam

For Respondent : Mr.S.Raja Kumar,
Additional Public Prosecutor



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 26.08.2022 for the offences punishable under Sections 506(i) of IPC, Sections 7, 8, 16, 17 and 19 of POCSO Act, 2012 in Crime No.5 of 2022 on the file of the respondent Police, seeks bail.

2. It is the case of the prosecution that the Petitioner is the driver of the private van owned by the A1, in which the school students were transported. It is alleged that on the date of occurrence, while the Petitioner was driving the van, A1 who is the owner of the van misbehaved and molested the minor victim girl aged 15 years. Hence the complaint.

3. The learned Counsel for the Petitioner submitted that A1 is the Van Owner and he is alleged to have indulged in the offence attracting POCSO Act. The petitioner is A2, who is the driver of the van and A1 was already granted bail by the Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore. Hence, he prays for grant of bail to the Petitioner.



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4. The learned Additional Public Prosecutor appearing for the Respondent would submit that on the date of occurrence, while the Petitioner was driving the van, A1 who is the owner of the van misbehaved and molested the minor victim girl aged 15 years. Hence, he vehemently opposed for grant of bail to the Petitioner.

5. Considering the submission made by the learned Counsel for the Petitioner and vehement objections made by the learned Additional Public Prosecutor appearing for the Respondent and also the 164 statement of the victim girl, wherein it confirms that the allegations are made only against A1, this Court is inclined to grant bail to the Petitioner.

6. Accordingly, the Petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the District Munsif Cum Judicial Magistrate Court, Ranipet. Further, one of the sureties shall be a blood relative.



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(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the District Munsif Cum Judicial Magistrate Court, Ranipet obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the Petitioner shall report before the Respondent Police daily at 10.00 a.m., until further orders.

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;



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

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mpl/vkr

To

- 1.The District Munisif Cum Judicial Magistrate Court,
Ranipet.
- 2.The Inspector of Police,
All Women Police Station,
Ranipet,
Ranipet District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP.,J.

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