



CrI.O.P.No.24094 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

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

CrI.O.P.No.24094 of 2022

Ajithkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Rasipuram,
Namakkal District.
(Crime No.8/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.8 of 2022 on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.06.2022 for the offences punishable under Sections 11(1), 11(2), 11(4) r/w 12 of POCSO Act, 2012 and 67(B), 66(E) of the Information Technology Act, 2000 and Section 506(i) of IPC in Crime No.8 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant Malathi is that the petitioner had sent obscene photographs of her daughter in her mobile phone. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and the defacto complainant suspecting that the petitioner was having an affair with her daughter, has given a false complaint against him. He would submit that the petitioner was arrested on 22.06.2022 and he is in judicial custody for more than 100 days. He would further submit that the investigation has also been completed and the charge sheet has been filed before the concerned Court and the case has been taken



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on file in Spl.C.C.No.93 of 2022 on the file of the learned Sessions (Fast Track Mahila) Judge, Namakkal. He would also submit that even as per the prosecution, the alleged photographs of the victim girl has been removed from the social media. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner had sent obscene photographs of the daughter of the defacto complainant in her mobile phone. He would further submit that the investigation has been completed and the charge sheet has been filed before the concerned Court and the case has been taken on file in Spl.C.C.No.93 of 2022 on the file of the learned Sessions (Fast Track Mahila) Judge, Namakkal. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record including the 164 statement recorded from the victim girl.



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6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the investigation has been completed and the charge sheet has been filed before the concerned Court and the case has been taken on file in Spl.C.C.No.93 of 2022 on the file of the learned Sessions (Fast Track Mahila) Judge, Namakkal, this Court is inclined to grant bail to the petitioner.

7. 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**, for a like sum to the satisfaction of the **learned Sessions Judge, Fast Track Mahila Court, Namakkal**, 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 **learned Sessions Judge, Fast Track Mahila Court, Namakkal, on all working days at 10.30 a.m., until further orders;**



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[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.

12.10.2022

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To

1. The Sessions Judge, Fast Track Mahila Court, Namakkal.
2. The Inspector of Police,
All Women Police Station,
Rasipuram, Namakkal District.



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3.The Central Prison, Salem.

4.The Public Prosecutor,
High Court of Madras.

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