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Crl.O.P.No.24844 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

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

Crl.O.P.No.24844 of 2022

Venkatesan

... Petitioner/Sole Accused

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Poonamallee,
Thiruvallur District.
(Crime No.13/2022).

... Respondent/Complainant

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

For Petitioner : Mr.R.Sasikumar

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 27.08.2022 for the offences punishable under Sections 354(C) of IPC read with Section 12 of Protection of Children Sexual Offences Act, 2012 in Crime No.13 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that, the petitioner who is a neighbour of the victim had without the knowledge of the victim had taken video of her, while she was taking bath in her house. Hence, the case.

3. Learned Counsel for the petitioner would submit that the petitioner and the defacto complainant are neighbours and that, due to some previous enmity, false complaint has been lodged against him. He would further submit that the petitioner's mobile phone had already been recovered by the Police and further submit that the petitioner is prepared to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) would submit that the the petitioner who is a neighbour of the victim had without the knowledge of the victim had taken video of her, while she was taking bath in her house. He would also submit that the 164 statement has also been recorded from the victim girl. Hence, he opposed for grant of 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.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.



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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**, each for a like sum to the satisfaction of **District Mahila Judge (Fast Track Court) at Thiruvallur** 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 stay at Madurai and report before the Inspector of Police, Thallakulam Police Station, everyday at 10.30 a.m. and 5.30 p.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]***;



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[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

14.10.2022

Sma

To

1. District Mahila Judge (Fast Track Court)
Thiruvallur.
2. The Inspector of Police,
All Women Police Station,
Poonamallee,
Thiruvallur District.
3. The Central Prison,
Puzhal.
4. The Inspector of Police,
Thallakulam Police Station,
Madurai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Sma

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