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Crl.O.P.No.4361 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.4361 of 2023

Mano

... Petitioner

Vs.

1.State rep by
The Deputy Superintendent of Police,
Arakkonam, Ranipet District.

2.State rep by the Inspector of Police,
All Women Police station,
Arakkonam,
Ranipet District.
(Crime No.20 of 2021)

3.Priya

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, praying to enlarge the petitioner on bail pending trial in Spl.S.C.No.102 of 2022 on the file of learned Special Judge for Exclusive Trial of Cases under POCSO Act, 2012, Vellore, Vellore District.

For Petitioner : Mr.G.Vinodhkumar



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For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.02.2022 for the offences punishable under Sections 323, 342, 376(2)(i), 376(D), 506(ii) of IPC and 5(g) and 6, 17 of POCSO Act, 2012 and Section 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(v) of SC/ST (POA) Amendment Act, 2015 in Cr.No.20 of 2021 on file of the respondent police, seeks bail.

2. The case of the prosecution is that on 29.12.2021 at about 5pm., when the defacto complainant's daughter has gone out to attend her nature's call, A1 to A3 had abducted her and had committed penetrative sexual assault on the minor victim girl. After hearing the hue and cry of the victim girl, one Priya had rescued her from the scene of occurrence and took her to their house. Later, the minor victim girl was admitted in the hospital. Thereafter, the defacto complainant/mother of the victim girl lodged a complaint and a case has been registered in Cr.No.20 of 2021 by the respondent police. Hence, the complaint.



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3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would also submit that his name is not found in the FIR and only based on the confessional statement of the co-accused, he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration from 26.02.2022. He would further submit that he is ready to abide by any stringent conditions that may be imposed by this Court. He would also submit that A4, A6 to A8 were granted bail by this Court and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submits that there are totally 9 accused in this case. He would submit that the trial has commenced and P.W.1 to P.W.8 were examined. He would further submit that the statement under Section 164 of Cr.P.C has been recorded from the minor victim girl. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner from 26.02.2022 , this court is inclined to grant bail to the petitioner with certain conditions.

7. 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, out of which, one must be a blood related surety, each for a like sum to the satisfaction of **learned Special Judge for Exclusive trial of cases under POCSO Act, Vellore** 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 respondent police station daily at 10.30 a.m., for a period of two months and thereafter, as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or 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 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;

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

24.02.2023

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To

- 1.The learned Special Judge for Exclusive Trial of cases under POCSO Act,
Vellore
2. The Deputy Superintendent of Police,
Arakkonam, Ranipet District.
- 3.The Inspector of Police,
All Women Police station,
Arakkonam,
Ranipet District.
4. The Central Prison
Vellore.
- 5.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI,J.

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