



Crl.O.P.No.6142 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

CORAM

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

Crl.O.P.No.6142 of 2023

Surya Prakash

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-13, Chitlapakkam Police Station,
Chengalpattu District.

(Crime No.52 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner / accused on bail in Crime No.52 of 2023 on
the file of the respondent police.

For Petitioner : Mr.U.Saimani

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 09.02.2023, for the offences punishable under Sections 354(A)(2) IPC and Sections 11(1), 11(3) and r/w Section 12 of Protection of Children From Sexual Offences (POCSO) Act in Crime No.52 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Chandran, Head Master of Municipality Higher Secondary School, Chennai-64, is that on 09.02.2023 a minor student studying 9th standard, had informed him that a person, who had come in a car, had in the guise of asking for a way, had shown obscene video to the minor student from his mobile phone and the victim had raised alarm and when the persons nearby have come there, the petitioner, who came in the car had ran away from the scene of occurrence.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against him. He would submit that it is a case of mistaken identity and that he is in



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custody for 41 days. He would submit that the alleged mobile phone from which, the obscene video have been shown by the petitioner, is also seized and the major part of the investigation is over. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner had waylaid the minor girl, when she was on her way to school and had shown the obscene video from his mobile phone and attempted to misbehave with her. 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) and perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner with certain conditions.



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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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Chengalpattu**, 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 Krishnagiri and report before the Inspector of Police, Krishnagiri Town Police Station, everyday at 10.30 a.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



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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.

23.03.2023

mpa

To

1. The Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Chengalpattu.
2. The Inspector of Police,
T-13, Chitlapakkam Police Station,
Chengalpattu District.
3. The Sub Jail,
Chengalpattu.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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