



CrI.O.P.No.8075 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

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

CrI.O.P.No.8075 of 2023

S.Bharath

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
W9, All Women Police Station,
Villivakkam,
Chennai

(Crime No.6 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.6 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.R.Sasikumar for
Mr.K.Arunprasad

For Respondent : Mr.C.E.Pratap



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Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to Judicial custody on 10.03.2023, for the offence punishable under Sections 12 of POCSO Act read with 67 B IT Act, in connection with Crime No.6 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant, B.Usha is that her daughter who is studying 12th standard was in love affair with her relative one Bharath/petitioner herein from the year 2020. The said Bharath had taken intimate videos of her daughter while she was changing dress. Later, on coming to know that the said Bharath is a alcoholic, her daughter severed her relationship with him. Aggrieved by the same, the said Bharath, threatened her daughter that he will send the said videos to her relatives. Hence the complaint.

3. Learned Counsel for the petitioner submitted that the petitioner and the victim girl are close relatives. There was a love affair between them from the year 2020. Later due to intervention of the elders, both severed



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their relationship and even thereafter, the mother of the victim has given a false complaint against the petitioner. Further the petitioner understands that statement of the victim has been recorded under Section 164 Cr.P.C., wherein, she has made false allegations against the petitioner. Further he would submit that the petitioner is under the judicial custody for more than 34 days from 10.03.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Further, the petitioner has also filed an affidavit of undertaking dated 11.04.2023 stating that he will not indulge in any illegal activities and he will not disturb the victim girl. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner and the victim girl are relatives. Under the guise of love, the petitioner had taken intimate videos of the victim girl and later, since the victim girl severed his relationship, the petitioner threatened her stating that he would send her videos to her relatives. Hence, he vehemently opposed for grant of bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials including the affidavit of undertaking filed by the petitioner.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking into consideration that affidavit of undertaking filed by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition. The affidavit of undertaking filed by the petitioner dated 11.04.2023, shall form part and parcel of this order.

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 Special Court for Exclusive Trial of Cases under POCSO Act, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



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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, 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 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.

13.04.2023

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A.D.JAGADISH CHANDIRA.,J.

Mfa

To

1. The learned Special Court for Exclusive Trial of Cases under POCSO Act, Chennai
2. The Superintendent,
Central Prison,
Puzal.
3. The Inspector of Police,
W9, All Women Police Station,
Villivakkam,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

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