



Crl.O.P.No.28534 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.28534 of 2023

Santhosh S/o. Jayaraman

... Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
W9-AWPS Villivakkam Police Station,
Chennai.

(Crime No.30 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.30 of 2022 on the file of
the respondent.

For Petitioner : Mr.P.Thinesh

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)



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ORDER

The petitioner seeks bail in Crime No.30 of 2022, registered by the respondent police for the offences punishable under Sections 406 & 420 of IPC and subsequently altered to Sections 406, 420 r/w Section 22 of POCSO Act. The petitioner had been remanded to custody on 29.11.2023.

2.It is stated that the petitioner is the brother of the defacto complainant. The daughter of the defacto complainant was a victim in an offence under POCSO Act. The accused therein was the father of the victim child. In view of the provisions of the Act, a sum of Rs.5,00,000/- had been deposited towards security of the victim child.

3.It is the contention of the defacto complainant that this petitioner had taken away a sum of Rs.2,00,000/- from that amount. Subsequently, the case against the father was quashed under Section 482 of Cr.P.C., by a learned Single Judge of this Court. This necessitated return of the amount.



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4.It is now informed that a sum of Rs.3,00,000/- had been credited to the Tamil Nadu Child Victim Compensation Fund/POCSO on 11.12.2023.

5.In view of that fact and that there has been restitution, I am inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 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 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., for a period of three weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

21.12.2023

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To

- 1.The Special Court for Exclusive Trial of Cases under POCSO Act,
Chennai,
- 2.The Inspector of Police,
W9-AWPS Villivakkam Police Station,
Chennai.
- 3.The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

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