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Crl.O.P.No.1593 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

CORAM

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

Crl.O.P.No.1593 of 2024

Kadhar Batcha

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Thiruthuraipoondi All Women Police Station,
Thiruvarur District.
Crime No.13 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.13 of 2023 on the file of
the respondent Police.

For petitioner : Mr.P.Muthamizhselvakumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody
on 26.11.2023 for the offences registered under Sections 11(1) and 12 of



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POCSO Act, in Crime No.13 of 2023, on the file of the respondent Police, seeks bail.

2.Let mr not enter into the facts of the case, but in brief, it is the case of inappropriate touch on the victim child by the petitioner herein.

3.It is stated by the learned Government Advocate (crl.side) that the statement under Section 164 Cr.P.C had also been recorded. Investigation has been completed and charge sheet has also been filed before the Jurisdictional Court.

4.Taking all the factors into consideration and also considering the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner subject to the following conditions:

5.Accordingly, the petitioner are ordered to be released on bail on condition to execute a separate 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, Fast Track Mahila Court, Thiruvarur 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.



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[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., till the receipt of summons from the Jurisdictional Court and on receipt of summons, report before the trial Court, on every Monday, apart from the Court hearing dates, till the victim child is examined and cross examined and thereafter, only during the Court hearing dates.

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

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C.V.KARTHIKEYAN,J.

Vkr

To

- 1.The Sessions Judge, Fast Track Mahila Court, Thiruvarur.
- 2.The Inspector of Police,
Thiruthuraipoondi All Women Police Station,
Thiruvarur District.
- 3.The District Prison, Thiruvarur.
4. The Public Prosecutor, High Court of Madras.

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