



Crl.O.P.No.2131 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM

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

Crl.O.P.No.2131 of 2024

Anand

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Srimushnam Police Station,
Cuddalore District.
(Crime No.207 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Spl.S.C.No.140 of 2023 on the file of the Special Court For Exclusive Trial of POCSO Act, Cases, Cuddalore.

For Petitioner : Mr.S.Suresh

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



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ORDER

The petitioner who was arrested and remanded to judicial custody on 06.10.2023, seeks bail in Crime No.207 of 2023, which was registered by the respondent Police for the offences under Sections 294(b), 302, 324 of IPC and Section 5(1), 6 of Protection of Children from Sexual Offences Act in Spl.S.C.No.140 of 2023, pending trial on the file of the Special Court for Exclusive Trial of POCSO Act Cases, Cuddalore.

2. The case of the prosecution is that the deceased and the petitioner are friends. While playing cricket, the deceased suffered injury and immediately, he was hospitalized by the petitioner. Thereafter, while they were returning from hospital, the petitioner took the deceased to his home, locked the door and insisted the deceased for homosexuality, the deceased refused and pushed the petitioner away and went to his house. The further case of the prosecution is that the petitioner had taken screen shot of the instagram chatting of the deceased with one girl and blackmailed him to have homosexuality with him once for a week, in turn, the deceased had broken the petitioner's cell phone. Following



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which, the petitioner had gone to the deceased house and complained to his mother/defacto complainant about the phone. She had informed that she would bought a new phone for the petitioner. While being so, on 03.10.2023, the deceased went to school along with his friend, at that time, the petitioner came and asked the deceased about purchasing of new phone and stabbed him with knife and thereby, the petitioner had sustained fatal injuries and died. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case and he has not committed any such offence as alleged by the prosecution. He further submitted that the petitioner has been in judicial custody from 06.10.2023 and hence, he seeks for granting of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) for the respondent submitted that the petitioner had stabbed the deceased with knife and caused fatal injuries to him and thereby, the deceased died. He has also submitted that the charge sheet has been filed and the case was taken on



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file in Spl.S.C.No.140 of 2023 before the Special Court for Exclusive trial of POSCSO Act Cases, Cuddalore. Since the offences are greivous in nature, he strongly opposed to grant bail to the petitioner.

5.The earlier application seeking bail had been dismissed on 28.12.2023 in Crl.O.P.No.29078 of 2023.

6.One change in circumstances is that in Spl.S.C.No.140 of 2023, summons had been issued to the accused to appear and thereafter, the trial will have to proceed.

7.Taking all the factors into consideration and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner and subject to the following conditions:

8.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



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of the Special Court for Exclusive trial of POSCSO Act Cases, Cuddalore, 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] Initially, the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, before the Special Court for Exclusive trial of POSCSO Act Cases, Cuddalore, everyday at 10.30 a.m., till framing of charges and thereafter, 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



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be registered under Section 229A IPC.

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smv

To

1. The Special Court for Exclusive trial of POSCSO Act Cases, Cuddalore.
2. The Central Prison, Cuddalore.
3. The Inspector of Police,
Srimushnam Police Station,
Cuddalore District.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

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