



CrI.O.P.No.4267 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2024

CORAM

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

**CrI.O.P.No.4267 of 2024**

Govindan

...Petitioner

Vs.

State rep by its  
The Inspector of Police,  
All Women Police Station,  
Arakkonam,  
Ranipet District.  
Crime No.12 of 2023

...Respondent

**PRAYER:** Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/Accused on bail pending trial in Spl.S.C.No.13 of 2024 on the file of the learned Special Court for Exclusive Trial of POCSO Act cases, Vellore.

For Petitioner : Mr.P.Krishnan

For Respondent : Mr.V.J.Priyadarsana  
Government Advocate (crl.side)



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CrI.O.P.No.4267 of 2024

## **ORDER**

The petitioner seeks bail in Crime No.12 of 2023, registered by the respondent Police for the offences punishable under Sections 376, 506(i) of IPC and Section 5(1), 5(j)(ii) r/w 6, 11(4) & 12 of POCSO Act, 2012. The petitioner had been taken into custody on 24.09.2023.

2. The learned counsel for the petitioner stated that the petitioner is aged 27 years and the victim is aged 17 years. The petitioner wanted to put forth his relationship with the victim child. Unfortunately in the statement under Section 164(5) Cr.P.C., of the victim, she had stated that she had initially went over to the petitioner when he called her, trusting him as her brother, but later the petitioner had committed the offences complained of.

3. The earlier application seeking bail was dismissed by this Court on 17.11.2023 in CrI.O.P.No.25439 of 2023. It had been observed that evidence of the victim child should be recorded. It is now informed that the evidence of the victim child had been recorded. The petitioner had



CrI.O.P.No.4267 of 2024

further filed an application under Section 311 of Cr.P.C. to recall the victim child. But that application has been dismissed.

4. Taking into consideration the fact that hopefully the victim child will not be called again to tender evidence, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, for a like sum to the satisfaction of the learned Special Court for Exclusive Trial of POCSO Cases, Vellore, 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 **every evening at 5.30 p.m., until further orders. This is apart from appearing before the Court during the Court hearings.**

[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.



CrI.O.P.No.4267 of 2024

[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.

08.07.2024

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To

- 1.The Inspector of Police,  
All Women Police Station,  
Arakkonam,  
Ranipet District.
- 2.The Superintendent,  
Central Prison, Vellore.
3. The Special Court for Exclusive Trial of POCSO Cases,  
Vellore.
- 4.The Public Prosecutor, High Court of Madras.



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CrI.O.P.No.4267 of 2024



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CrI.O.P.No.4267 of 2024

**C.V.KARTHIKEYAN. J.**

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CrI.O.P.No.4267 of 2024

08.07.2024