



WEB COPY



Cr.L.O.P.No.7493 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM

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

Cr.L.O.P.No.7493 of 2024

Shanmugam @ Sambath

...Petitioner

Vs.

The State, represented by
The Inspector of Police,
AWPS, Perur,
Coimbatore.
Cr.No.02 of 2024

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in the above Cr.No.02 of 2024 on the file of the respondent.

For Petitioner : Mr.S.Senthilvel

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

ORDER

The petitioner/accused in Crime No.02 of 2024, registered by the respondent police for the offences under Sections 9(m) r/w 10 of POCSO Act, 2012 and 506 (i) of IPC by the respondent police and remanded to



Crl.O.P.No.7493 of 2024

judicial custody on 23.01.2024, seeks bail.

WEB COPY

2. The petitioner is married and has two daughters. The victim is aged 10 years old. It is stated that the petitioner had initially committed the offence on 16.12.2023 and a complaint was lodged and the petitioner was warned. Subsequently, again he had committed the same offence on 23.01.2024, leading to registration of FIR, on receipt of the complaint.

3. The earlier application seeking bail was dismissed on 04.03.2024 in Crl.O.P.No.5143 of 2024.

4. The substantial change in circumstance is that investigation has been completed and final report has also been filed before the Special Court for POCSO Act at Coimbatore. Taking that fact into consideration, bail is granted to the petitioner subject to the following conditions:

5. Accordingly, 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



Crl.O.P.No.7493 of 2024

WEB COPY

Principal Special Court of Exclusive Trial cases under POCSO Act,

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

04.04.2024

gsa



WEB COPY



Crl.O.P.No.7493 of 2024

C.V.KARTHIKEYAN. J.

gsa

To

1. The Principal Special Court of Exclusive Trial cases
under POCSO Act,
Coimbatore.
2. The Central Prison, Coimbatore.
3. The Inspector of Police,
AWPS, Perur,
Coimbatore.
4. The Public Prosecutor, High Court of Madras.

Crl.O.P.No.7493 of 2024

04.04.2024