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CRL O.P. No.11021 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.11021 of 2024

Shanmugam,
S/o.City Babu

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
Chengalpattu Taluk Police Station,
Chengalpattu District.
[Cr.No.57 of 2019]

... Respondent

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER:- The Criminal Original Petition is filed under Section 483 of

The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to
the petitioner/Accused in Crime No.57 of 2019 on the file of the
respondent police.

For Petitioner : Mr.P.Sundararajan
For Respondent : Mr. S. Vinoth Kumar
Government Advocate (Crl.Side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 22.02.2022 for the offences punishable under sections 450 of IPC & 3(a) r/w.4, 5(1) r/w.6, 21(1), 17 of the POCSO Act 2012 in Crime No.57 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other co-accused were misbehaved with the victim girls and assaulted them therefore they sustained head injury and admitted in hospital. Hence, the complaint.

3. The learned counsel for the petitioner would contend that this petitioner has arrayed as 2nd accused. In this case, investigation completed and the charge sheet also filed before the trial Court. The trial Court taken cognizance in Spl.S.C.No.42 of 2020. The said case is posted for the examination of prosecution side witnesses. This petitioner has been falsely implicated in this case and he is an innocent person and he has nothing to do with the commission of alleged offences and he is ready to abide by any condition imposed by this Court. Hence, he seeks bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would



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submit that the petitioner was arrested and remanded to judicial custody on 22.02.2024. This petitioner and other co-accused were misbehaved with the victim girls and assaulted them, they sustained head injury and admitted in hospital and discharged. In this case, investigation completed and the charge sheet also filed before the trial Court. The trial Court taken cognizance in SplC.No.42 of 2020. The said case is posted for the examination of prosecution side witnesses. However, he objected to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that the co-accused arrested and subsequently released, in the case already some of the witnesses have been examined by the trial Court and also considering the period of incarceration underwent by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on



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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 learned **Sessions Judge for Special Court for POCSO Act cases at Chengalpattu** and on further conditions that:

[b] the petitioner shall report before the Sessions Judge for Special Court for POCSO Act cases at Chengalpattu on every working day at 10.30 A.M. until further orders;

[c] the petitioner shall attend in accordance with the conditions of the bond;

[d] the petitioner shall not commit any offence similar to the offence of which he is accused; or suspected, or of the commission of which he is suspected; and

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] the petitioner shall not abscond either during investigation or



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trial;

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[g] On breach of any of the aforesaid conditions, the learned Judicial 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

28.08.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
gvn

P.DHANABAL,J



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gvn

To

1.The Sessions Judge for Special Court for
POCSO Act cases at Chengalpattu

2.The Inspector of Police,
Chengalpattu Taluk Police Station,
Chengalpattu District.

3.Central Prison, Puzhal, Chennai.

4.The Public Prosecutor,
High Court, Madras.

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