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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.18136 of 2024

Venkatesan

... Petitioner

Vs.

State Rep by.
The Inspector of Police
D4, Zam Bazaar Police Station,
Chennai.
Crime No. 107 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail on the file of the Sessions Judge,
Special Court for Exclusive Trial of Cases under POCSO Act at Chennai in
crime No. 107 of 2024(on the file of D4, Zam Bazaar Police station) Chennai.

For Petitioner : Mr.S.Mohanraj
For Respondent : Mr.V.Meganathan, B.A., B.L.,
Government Advocate (Crl. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.06.2024 for the alleged offences punishable under Sections **11 (iv)(v) r/w 12 of POCSO Act and Section 67 of Information Technology Act, in crime No. 107 of 2024** on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner had taken video of the victim girl while she was taking bath in her house. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Hence, he prays to allow this petition.

4. On the other side, the learned Government Advocate (Crl. side) submits that the statement of the victim girl has been recorded and also phone has been recovered from the petitioner. However, he raised objection to grant bail.

5. Considering the facts of the case, the statement of the victim girl has been recorded under Section 164 Cr.P.C, and also the investigation is



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almost completed. Hence, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned The special Court of Exclusive Trial of cases under POCSO Act, Chennai**, 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 on alternative days at 10.30 a.m., until further order. Further, the petitioner shall file an affidavit before the Trial Court that he will not publish any video or photographs related to the victim girl in any Social media or any other plat forms. Further, the petitioner shall vacate the present house and also shall



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not have any communications with the victim girl in future. If the petitioner breached the above conditions, his bail will be cancelled automatically.

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

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T.V.THAMILSELVI,J.

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To

1. The **The special Court of Exclusive Trial of cases under POCSO Act, Chennai.**

2.The Inspector of Police
D4, Zam Bazaar Police Station,
Chennai.

3. The Central Prison, Puzhal - II, Chennai.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.18136 of 2024

30.07.2024