



Crl.O.P.No.19368 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.19368 of 2024

Subash Chandra Bose

...Petitioner/Accused

Vs.

The State Rep. by
Sub - Inspector of Police,
Chengam Police Station,
(Crime No.346 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., 2023, praying to enlarge the petitioner on bail in Crime No.346 of 2024 on the file of respondent police.

For Petitioner : Mr.K.Silambarasan

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.07.2024 for the offences under Sections 354 D, 341, 384, 506(ii), 427 of the IPC, and Sections 11(1), 11(4), 11(5), and 12 of the Protection of Children and Sexual Offence Act, 2012, in Crime No.346 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner compelled the defacto complainant's grand daughter/minor girl to love him and also extorted cash of Rs. 14,500/-, anklets and a mobile phone from the minor girl. Hence the complaint.

3. Learned counsel for the petitioner submitted that the petitioner and the defacto complainant are relatives; the petitioner and the said minor girl are in a brother-and-sister relationship, and they are living in nearby places. He further submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that



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the petitioner is ready to furnish substantial sureties for his due release on bail, and therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) opposing the grant of bail to the petitioner by stating that petitioner extorted money, ornaments, and mobile from the minor girl/defacto complainant's grand daughter and submitted that the investigation is complete; and that the minor girl had no parents and was living with her grandparent/defacto complainant only.

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

6. Considering the submissions made on both sides, the completion of the investigation, the nature of offences charged against the petitioner, and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:



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7. 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, each for a like sum to the satisfaction of the *Special Court for Exclusive of Trial Cases Under POCSO Act, Tiruvannamalai*, and on further conditions that :

[a]the petitioner shall report before the Special Court for Exclusive of Trial Cases Under POCSO Act, Tiruvannamalai, every working day at 10.30 a.m., until further orders.

[b]the petitioner shall not abscond either during investigation or trial;

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d]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



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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];

[e] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

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To

- 1.The Special Court for Exclusive of Trial Cases
under the POCSO Act,
Tiruvannamalai.
- 2.The Superintendent of Central Prison,
Vellore.
- 3.The Sub - Inspector of Police,
Chengam Police Station.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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