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CRL O.P. No.20910 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.08.2024

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THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20910 of 2024

Praveen Kumar

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
All Women Police Station Rural,
Thiruvannamalai District.

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the Petitioner on bail in Spl.S.C.No.54 of 2023 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai.

For Petitioner : Mr.B.Balavijayan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
[Criminal side]



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ORDER

The Petitioner seeks bail in Spl.S.C.No.54 of 2023 for the offences punishable under Sections 376(2)(n), 506(2), 363, 366, 376(3) of IPC r/w Section 5(l), 6(1) of POCSO Act, 2012 and Section 67B of Information Technology Act, 2000. The petitioner was remanded to judicial custody on 26.03.2024.

2.The case of the prosecution is that the petitioner is a Karate Master and the victim girl was a student of him. While so, the petitioner had induced the victim girl with sex intent and blackmailed her by showing photographs and abusive videos, threatened her that he would upload her photos in social media and had physical relationship with the victim girl. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the victim child was already examined as witness and the petitioner has been in custody for more than 522 days. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) for the respondent would submit that petitioner is a Karate Master and the victim girl was a student of him. The petitioner had induced the victim girl with sex intent and blackmailed her by showing photographs and abusive videos, threatened her that he would upload her photos in social media and had sexual relationship with the victim girl. He would further submit that insofar as 16 witnesses were examined and trial has been commenced and the victim was examined as witness and the case is now posted for examination of Investigating Officer. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the representation made by both side learned counsel and considering that trial was commenced and the victim was examined as witness and now the case is posted for examination of Investigating Officer and also the the petitioner was in custody for more than 522 days and considering all other aspects, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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[a] Accordingly, the Petitioner is ordered to be released on bail on 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 **Special Court for Exclusive Trial of POCSO Act Cases, Tiruvannamalai**, and on further conditions that:

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

[c] the Petitioner shall not commit any offences of similar nature.

[d] the Petitioner shall not abscond either during investigation or trial.

[e] the Petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

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

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To

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



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P.DHANABAL,J
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