



WEB COPY



CRL O.P. No.19783 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.08.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.19783 of 2024

Suriya W/o. Ramachandran ... Petitioner/Accused No.4
Vs

State rep. by:-

The Inspector of Police,
Anti Vice Squad-II,
Greater Chennai. ... Respondent
[Cr. No.16 of 2024]

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.16 of 2024 on the file of the respondent police.

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

ORDER



CRL O.P. No.19783 of 2024

WEB COPY

The petitioner /Accused No.4, who was arrested and remanded to judicial custody on 17.05.2024 for the offences punishable under sections 342, 366A, 370A, 372, 373 of IPC and Sections 3(2)a, 4(1), 5(1)a, 5(1)b, 5(1)c, 6(2-A) r/w 6(1) of Immoral Traffic Prevention Act 1956 and Sections 5(1), 5(p), 6 r/w 17 of Protection of Children from Sexual Offences Act 2012 in Crime No.16 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A1 Nathiya along with other accused, in the guise of getting employment to the victim girl, who is residing with her mother at Cholaimedu, had taken her to a hotel in Chennai, sent her in a room, wherein a male sexually harassed the victim girl. Likewise, the accused took the victim girl to house of one Ramachandran at Saidapet, another house at valasaravakkam and also to Hyderabad through flight, wherein the victim girl was sexually harassed. The Child Protection Officer incharge has given compliant on behalf of the victim girl. Hence, the complaint.

3. The learned counsel for the petitioner would contend that there are nearly 11 accused and this petitioner is arrayed as A4. The



CRL O.P. No.19783 of 2024

respondent police initially arrested A1 Nathiya on 18.05.2024 along with A2 Ramachandran and based on their confession statement, this petitioner was arrayed as one of the accused in this case. As per the FIR, no specific overt act is attributed as against this petitioner. The petitioner is the younger sister of A1 and she had no role in the commission of offences. She is the only bread winner of her family. The co-accused A2, A8 and A11 were already granted bail. This petitioner has voluntarily surrendered before the police. The petitioner has been falsely implicated in this case. Hence, he seeks that bail may be granted to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that A1 along with other accused, in the guise of getting employment to the victim girl, has sexually harassed the victim. The petitioner was arrested and remanded to judicial custody on 17.05.2024. This petitioner has also played a vital role in the commission of offences. Hence he objected to grant bail to the petitioner. However, the learned Government Advocate has admitted that there is no previous case as



CRL O.P. No.19783 of 2024

against this petitioner.

WEB COPY

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

6. Considering the rival submissions on either side and considering the fact that there is no previous case against the petitioner, that only based on the confession statement of co-accused, this petitioner has been arrayed as an accused in this case, considering the fact that some of the co-accused were released on bail and also considering the period of incarceration underwent by the petitioner, I am inclined to grant bail to the petitioner, subject to the following conditions:

[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 **Court of Sessions, Special Court for exclusive trial of cases under POCSO Act, Chennai** and on further conditions that:

[b] the petitioner shall report before the Court of Sessions, Special Court for exclusive trial of cases under POCSO Act, Chennai



CRL O.P. No.19783 of 2024

on every working day at 10.30 A.M. until further orders.

WEB COPY

[c] 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

[d] 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;

[e] the petitioner shall not abscond 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.



CRL O.P. No.19783 of 2024

22.08.2024

WEB COPY

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

To

1.The Court of Sessions, Special Court for exclusive trial of cases under
POCSO Act, Chennai

2.The Inspector of Police,
Anti Vice Squad-II,
Greater Chennai.

3.The Superintendent,
Special Prison for Women, Puzhal, Chennai.

4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J
mjs



WEB COPY



CRL O.P. No.19783 of 2024

CRL.OP.No.19783 of 2024

22.08.2024