



WEB COPY



CRL O.P. No.20124 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.20124 of 2024

R.Vijayakumar,
S/o.Rubandhaniyan

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
All Women Police Station,
Thirutani,
Thiruvallur District
[Cr.No.21 of 2024]

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

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



CRL O.P. No.20124 of 2024

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.07.2024 for the offences punishable under sections 77 of BNS r/w.Sec.11(4), 12 of POCSO Act and Section 67 (B)(b) of IT Act 2000 in Crime No.21 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto-complainant lodged a complaint and alleged that while her daughter is taking bath in the bathroom of her house at that time this petitioner had taken video in his cell phone from the back side of bathroom. After seeing the said act, the victim girl informed the same to her mother. Hence, the complaint.

3. The learned counsel for the petitioner would contend that this petitioner has been falsely implicated in this case. There is no previous case as against the petitioner. This petitioner 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.



CRL O.P. No.20124 of 2024

WEB COPY

4. The learned Government Advocate (Criminal Side) would submit that while the defacto-complainant's daughter has taking bath in the bathroom of her house at that time this petitioner had taken video in his cell phone from the back side of bathroom. After seeing the said act, the victim girl informed the same to her mother. In this case, 164 Cr.P.C. statement was recorded from the victim. Hence, 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 there is no previous case as against this petitioner and the cellphone was recovered by the police and also considering the fact that in this case investigation almost completed and considering the period of incarceration underwent by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:



CRL O.P. No.20124 of 2024

WEB COPY

[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 learned **District Mahila Judge (Fast Track Court) at Thiruvallur** and on further conditions that:

[b] the petitioner shall report before the learned District Mahila Judge (Fast Track Court) at Thiruvallur 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;



CRL O.P. No.20124 of 2024

WEB COPY

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

[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



WEB COPY



CRL O.P. No.20124 of 2024

P.DHANABAL,J

gvn

To

- 1.The District Mahila Judge (Fast Track Court) at Thiruvallur
- 2.The Inspector of Police,
All Women Police Station,
Thirutani,
Thiruvallur District
3. Central Prison, Puzhal at Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

CRL.OP.No.20124 of 2024

28.08.2024